

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TENNESSEE
3 AT KNOXVILLE, TENNESSEE

4 _____
5) UNITED STATES OF AMERICA,)
6) Government,)
7) vs.) Case No. 3:17-cr-82-2
8) HEATHER ANN TUCCI-JARRAF,)
9) Defendant.)
10 _____

11 SENTENCING PROCEEDINGS
12 BEFORE THE HONORABLE THOMAS A. VARLAN

13 Tuesday, July 17th, 2018
14 2:08 p.m. to 4:53 p.m.

15 APPEARANCES:

16 ON BEHALF OF THE GOVERNMENT:

17 CYNTHIA F. DAVIDSON, ESQ.
18 ANN-MARIE SVOLTO, ESQ.
19 U.S. DEPARTMENT OF JUSTICE
20 OFFICE OF U.S. ATTORNEY
21 800 Market Street
22 Suite 211
23 Knoxville, TN 37902

24 ON BEHALF OF THE DEFENDANT HEATHER ANN
25 TUCCI-JARRAF: (Appearing Pro Se)

 FRANCIS L. LLOYD, JR., ESQ. (Elbow Counsel)
 LAW OFFICE OF FRANCIS L. LLOYD, JR.
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 Building D, Suite 200
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REPORTED BY:

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1 THE COURTROOM DEPUTY: All rise. The
2 United States District Court for the Eastern
3 District of Tennessee is again in session. The
4 Honorable Thomas A. Varlan, Chief United States
5 District Judge, presiding.

6 Please come to order and be seated.

7 THE COURT: Thank you. Good afternoon,
8 everyone. Let's call up the next case, please.

9 THE COURTROOM DEPUTY: Criminal Action
02:08PM 10 3:17-cr-82, United States of America versus Heather
11 Ann Tucci-Jarraf.

12 Ms. Cynthia Davidson and Anne Svolto
13 are here on behalf of the government.

14 Is the government present and ready to
15 proceed?

16 MS. DAVIDSON: Yes, Your Honor.

17 THE COURTROOM DEPUTY: Mr. Francis Lloyd is
18 here on behalf of the defendant.

19 Is the defendant present and ready to
02:08PM 20 proceed?

21 MR. LLOYD: Present and ready. I'm, again,
22 elbow counsel.

23 THE COURT: Yeah, and we'll clar- -- I
24 think we should clarify that.

25 Ms. Tucci-Jarraf, you're representing

1 yourself. You continue to represent yourself in
2 this matter; is that correct?

3 THE DEFENDANT: I'm here as myself without
4 any prejudice.

5 Your Honor, do you want me to stand up
6 or --

7 THE COURT: We're going to have you come to
8 the podium in just a moment, but I just wanted to
9 clarify that.

02:09PM 10 And, Mr. Lloyd, you're here as
11 Ms. Tucci-Jarraf's elbow-appointed counsel; correct?

12 MR. LLOYD: Yes, yes.

13 And the defendant has a question about
14 the order of this proceeding, not having done it
15 before.

16 THE COURT: And I'll -- okay. I'll explain
17 that.

18 Why don't you come on up to the podium,
19 Ms. Tucci-Jarraf.

02:09PM 20 The first thing we do is: We swear in
21 the defendant so that -- if you want to give
22 testimony or otherwise. So even though you're
23 representing yourself, we'll go ahead and stick with
24 that order.

25 So if you'll come up to the podium.

1 Just like when you took the witness stand during the
2 trial, you were sworn in. So come on up to the
3 podium, and we'll begin by having you sworn in
4 since -- as the defendant in this case.

5 THE DEFENDANT: Is this -- I have just one
6 question of clarification. Is this also for the
7 argument period?

8 THE COURT: This would not apply to --

9 THE DEFENDANT: Am I the only one swearing
02:09PM 10 in? I'm not testifying.

11 THE COURT: If anyone else testifies,
12 they'd be sworn in. But I'm just asking you some of
13 these preliminary questions.

14 So if you don't mind, we'll swear you
15 in, but it won't pertain to the arguments.

16 THE DEFENDANT: Without prejudice, we'll
17 proceed.

18 THE COURTROOM DEPUTY: Would you raise your
19 right hand?

02:10PM 20 Do you solemnly swear or affirm that
21 you will true answers make to all questions asked of
22 you at this time as you would unto God? If so,
23 please say I do. Maybe.

24 THE DEFENDANT: I'll originally agree, I
25 swear, to speak true, accurate and complete at all

1 times.

2 THE COURT: Thank you.

3 And, again, let me confirm that -- I
4 think I asked you when you were at the table -- that
5 you're -- you continue to represent yourself in this
6 case. I mean, you don't have the -- you've declined
7 the opportunity to be represented by counsel.

8 THE DEFENDANT: As a matter of legal -- for
9 legal clarification, I am here as myself, speaking
02:10PM 10 as myself, true, accurate and complete the entire
11 time. I'm not representing myself. I'm here as
12 myself speaking.

13 THE COURT: Okay. But, Mr. Lloyd, you have
14 consented and he has continued in the role of what's
15 referred to as elbow counsel.

16 THE DEFENDANT: He assists me solely with
17 filings; more of an administrative proceeding.

18 MR. LLOYD: I will, Your Honor, have a
19 specific objection to submit to the Court on behalf
02:11PM 20 of the defendant.

21 THE COURT: That's fine.

22 MR. LLOYD: She has a specific argument.

23 THE COURT: If she would like you to
24 present any objections or any other aspects of the
25 sentencing, that's fine with the Court.

1 THE DEFENDANT: Any --

2 THE COURT: Just as background, just so
3 everyone knows where we are, on February 1, 2018,
4 the defendant was found guilty by a jury of Count 7
5 of the Indictment in this case charging the
6 defendant with conspiracy to commit money laundering
7 in violation of 18 United States Code § 1956(h).

8 And the question I want to ask you now,
9 Ms. Tucci-Jarraf, is: Do you understand that by
02:11PM 10 federal statute the offense described in Count 7
11 requires a sentence of up to 20 years' imprisonment,
12 up to three years' supervised release, a fine of up
13 to \$500,000, and a mandatory \$100 special
14 assessment? Do you understand by statute that
15 that's the punishment that you potentially face as a
16 result of the jury's finding of guilt in this case
17 as to you?

18 THE DEFENDANT: May I have one moment,
19 please.

02:12PM 20 (A discussion was had between
21 the defendant and elbow
22 counsel off the record.)

23 THE DEFENDANT: Without waiving a standing
24 notice, without waiving jurisdiction, as well
25 as a lack of jurisdiction and lack of authority of

1 yourself, Thomas A. Varlan, Chief U.S. District
2 Court, or Ms. Cynthia Davidson, and all the other
3 parties that were described and identified in
4 Document 101, which I restate and incorporate by
5 reference, as if set forth in full, as well as
6 Document 102, again, restated, as if by reference
7 and incorporated by reference as set forth in full.

8 So with that said and with that stated
9 for the record, I am aware of the statutory from the
02:13PM 10 date of August 24th and onward and that that's what
11 the prosecution has set forth, as well as yourself
12 just now.

13 THE COURT: All right. Thank you.

14 Now, I'll explain for your benefit and
15 those in the audience, who may not have been to a
16 federal sentencing before, how we'll proceed today.

17 A Presentence Report has been prepared
18 by the United States Probation Office pertaining to
19 you, Ms. Tucci-Jarraf, as the defendant. The Court
02:13PM 20 will begin with you to determine objections to that
21 Presentence Report.

22 The Court will then turn to the
23 government and allow the government to either
24 address any objections the defendant may have or
25 otherwise to address the Presentence Report, which,

1 among other things, calculates the advisory
2 guideline range applicable to this case.

3 The Court will then rule on objections
4 to the Presentence Report and determine whether to
5 accept the Presentence Report.

6 So that's essentially the first part of
7 the sentencing.

8 The second part of the sentencing is:
9 The Court would allow counsel for the government and
02:14PM 10 then typically counsel for defendant, but in this
11 case, you, Ms. Tucci-Jarraf, yourself, to address
12 essentially what are referred to as the 18 United
13 States Code § 3553 sentencing factors; in other
14 words, to present argument to the Court as to the
15 sentencing factors or other facts the Court should
16 consider in its determination of an appropriate
17 sentence in this case.

18 So that's the second part addressing
19 the sentencing factors.

02:14PM 20 The third part would be, even though
21 you, I anticipate, perhaps, might wish to present
22 argument on your own behalf with respect to what
23 those sentencing factors are, I'm dividing argument
24 from what's referred to as allocution, which is the
25 third phase of the sentencing.

1 Typically the Court, after hearing
2 argument from counsel as to the sentencing factors
3 and in this case yourself and not counsel, unless
4 you so desire your elbow counsel to make any
5 argument, then the Court allows the defendant to
6 allocute, make an allocution; in other words, to say
7 anything the defendant wants to to the Court
8 relevant to the issue of sentencing before the Court
9 makes its sentencing determination.

02:15PM 10 So those are the three things we'll do.

11 And, also, typically, with respect --
12 going back to, I guess, the second phase, which is
13 allowing counsel for the parties or, in this case,
14 the defendant herself to address the sentencing
15 factors and to make argument to the Court as to
16 sentencing, if there are any witnesses that either
17 side wishes to present, then that would be an
18 appropriate time to present those witnesses, again,
19 relevant to the matter of sentencing.

02:16PM 20 We're not here today to determine guilt
21 as to Count 7 of the Indictment. That was the role
22 of the jury and the jury has already made that
23 determination. So that's not a determination for
24 the Court today.

25 The determination for the Court is, is

1 what an appropriate sentence should be, or, in other
2 words, to listen to everything within the parameters
3 of what the Court has just discussed and then
4 to -- the Court's role is then to impose a sentence
5 sufficient, but not greater than necessary, to
6 comply with the purposes discussed in 18 United
7 States Code § 3553.

8 So, with that background in mind, we'll
9 begin with the Presentence Report.

02:16PM 10 And the Court would note, just as a
11 background, that the Revised Presentence Report
12 agreed with a contention or objection of the
13 government with respect to whether there should be
14 an enhancement for -- under Sentencing Guideline
15 §3B1.3 for abuse of position of trust or use of a
16 special skill, and the probation officer agreed with
17 the government's position in the addendum, and the
18 Revised Presentence Report reflects this
19 enhancement.

02:17PM 20 And the Court would note for the record
21 that after the government filed its objection to the
22 Presentence Report, the defendant filed a document,
23 Document 198, in which it stated the defendant had
24 a, quote, "due rejection for due cause," close
25 quote, of the government's objection to the

1 Presentence Report.

2 And the Court -- and that may be what
3 Mr. Lloyd is planning to address, but the Court is
4 going to construe that filing as an objection by the
5 defendant to the Revised Presentence Report,
6 specifically with respect to the enhancement under
7 Sentencing Guideline §3B1.3.

8 The defendant also previously in
9 Document 197 filed what she styled a due rejection
02:18PM 10 of the Presentence Report itself, but we'll probably
11 construe that as a continued objection to the
12 Court's jurisdiction, which the Court has already
13 ruled upon. But we'll see if there is anything else
14 to present in that regard.

15 So that's how the Court's interpreting
16 the defendant's filings, but certainly the defendant
17 or elbow counsel is to -- is free to address those
18 objections and how the Court should address those
19 objections.

02:18PM 20 So, do you want to go first,
21 Ms. Tucci-Jarraff, based on what Mr. Lloyd said
22 earlier, or, Mr. Lloyd, do you want to go first?

23 THE DEFENDANT: I'd like to make a
24 preliminary statement before we move forward on the
25 objections.

1 THE COURT: Go ahead.

2 THE DEFENDANT: Anything that I present
3 versus anything that Mr. Lloyd presents, any time
4 that Mr. Lloyd presents, it's not waiving my
5 challenge and my declaration that this Court, as
6 well as the United States, has no jurisdiction or
7 authority over myself and that the record is still
8 void.

9 So, Document 101 and 102 are still
02:19PM 10 standing, as well as documents -- if you might give
11 me just a second so I can pull the document
12 reference.

13 Some of them are standing and some of
14 them at this point I'll have to just orally make
15 them standing and then file the appropriate
16 paperwork.

17 So, 101 -- excuse me -- Document 18,
18 Document 101, Document 102.

19 Excuse me.

02:20PM 20 (A discussion was had between
21 the defendant and elbow
22 counsel off the record.)

23 THE DEFENDANT: I apologize. This is going
24 the opposite direction than I'm used to.

25

1 (A discussion was had between
2 the defendant and elbow
3 counsel off the record.)

4 THE DEFENDANT: I appreciate everyone's
5 patience. The document doesn't have all the
6 documents in it.

7 MR. LLOYD: Your Honor, if I --

8 MS. DAVIDSON: I have the docket sheet if
9 you want to take a look at that.

02:21PM 10 THE DEFENDANT: Sure.

11 MR. LLOYD: If I might be of help, Your
12 Honor, I believe that what the defendant wishes to
13 do is to preserve any and all previously-filed
14 reservations and objections and challenges, whether
15 it's to jurisdiction or any other item in the
16 prosecution of this case.

17 THE DEFENDANT: And for a correction, just
18 any precipes that you --

19 THE COURT: I don't mean to interrupt, but
02:22PM 20 I guess what Mr. Lloyd is saying, and as I
21 understand, just so you understand,
22 Ms. Tucci-Jarraf, you were citing specific
23 documents, and the Court recalls those document
24 numbers and has reviewed them, but he's basically
25 saying anything you have filed related to your

1 objections to the jurisdiction of the Court and
2 related matters, asking the Court to again take
3 those matters into consideration.

4 Is that essentially what you're saying,
5 Mr. Lloyd?

6 MR. LLOYD: That, Your Honor, and that
7 anything that I might state on behalf of the
8 defendant does not constitute a waiver of any rights
9 reserved.

02:22PM 10 THE COURT: All right. With that in mind,
11 Ms. Tucci-Jarraf, anything else?

12 THE DEFENDANT: Yes. Just with the cease
13 and desist order, as well as -- oh, here we go.

14 I apologize. Document 147
15 specifically, and Document 148, Document 149,
16 Document 150, and Document 151 are all orally-made
17 standing documents.

18 Thank you.

19 And I'll file something in the record
02:23PM 20 in written form according to that oral.

21 THE COURT: All right. Thank you.

22 Mr. Lloyd, do you want to go next?

23 (A discussion was had between
24 the defendant and elbow
25 counsel off the record.)

1 MR. LLOYD: Your Honor, I -- with that
2 caveat, I'd like to state on behalf of
3 Ms. Tucci-Jarraf the specific -- I guess I'll use
4 the word objection to the two-level enhancement that
5 the probation officer has recommended under §3B1.3
6 of the United States Sentencing Guidelines.

7 The basis, the asserted basis presented
8 by the prosecution for that increase in the -- or
9 addition to the original offense level is based in
02:25PM 10 the language of the section of the guidelines on
11 abuse of a position of public or private trust or
12 use of a special skill.

13 Understanding that Your Honor must make
14 any decision concerning the offered enhancement and
15 any objection to it on the basis of the jury's
16 verdict in the case and all the evidence presented
17 at trial, I respectfully submit that there is no
18 such abuse of a position or private trust or use of
19 a special skill in this case in the way contemplated
02:25PM 20 by §3B1.3.

21 A sort of prime example of what 3B1.3
22 is about is the Bernie Madoff case in which
23 Mr. Madoff did indeed, to accomplish -- well, to
24 accomplish for a while his pyramid scheme, he abused
25 clients who depended on him.

1 Ms. Tucci-Jarraf throughout the trial
2 presented a point of view that the jury chose not to
3 accept. But to the extent, Your Honor, it was
4 presented first to people in the lending business
5 and people in the motor vehicle sales business,
6 Ms. Tucci-Jarraf did not stand in a position of
7 public or private trust and was not using a specific
8 skill in the sense that in any transaction involving
9 two or more parties, one cannot rely on a lawyer
02:27PM 10 retained by the other side.

11 To the extent the jury credited the
12 view that the lending bank and the vendor of the
13 motor vehicle relied on representations of
14 Ms. Tucci-Jarraf's status as a person with a law
15 degree, it was inappropriate for them so to rely.

16 Whatever the jury found that this
17 defendant might have misrepresented, there was never
18 throughout the trial evidence any indication that
19 the relationship of attorney and counselor on one
02:28PM 20 side and client on the other was established with
21 respect to any lending institution or with respect
22 to the vendor of the motor vehicle.

23 It's taken me a while, frankly, Your
24 Honor, to come up with an example that might explain
25 my argument, and one occurred to me today that I

1 submit is on point, understanding that Your Honor
2 might decide it's not a very good example, as is
3 your prerogative.

4 If I were the lawyer involved for
5 client A in a transaction and I have client A show
6 up to a closing with a check drawn on the Bank of
7 Yugoslavia, and I then tried to convince party B
8 that there still is a Bank of Yugoslavia and it
9 still has deposits and it still pays checks, party B
02:29PM 10 would be foolish, at best, to accept anything but
11 its own counselor's advice with respect to accept a
12 Yugoslavian bank check.

13 I might not even be involved
14 in -- involved with a specific intent to defraud. I
15 might feel very strongly that the partition of what
16 was Yugoslavia and the elimination of the Bank of
17 Yugoslavia was a travesty and ought not to be
18 recognized.

19 Whether I have a specific intent to
02:30PM 20 defraud or whether I'm just -- just flat wrong about
21 that little bit of international law, the
22 application of this section of the Sentencing
23 Guidelines in a subsequent criminal case would add
24 to my potential, my advisory guideline sentence or
25 term of imprisonment on the basis of that

1 representation even if it was clearly bone-headed,
2 to use a non-legal phrase, for party B to accept my
3 representation that a Bank of Yugoslavia check is
4 going to get cashed somewhere.

5 Put simply, Your Honor, I believe that
6 the proffered enhancement with respect to the
7 offense level on the basis of 3B1.3 is not justified
8 by its own language because -- at least in the
9 context of a person with a law degree, because such
02:32PM 10 a person, whether practicing law appropriately or
11 not, cannot have for a client the other party to the
12 challenged transaction.

13 For that reason I've stated for
14 Ms. Tucci-Jarraf that specific objection to that
15 specific increase in the offense level.

16 THE COURT: All right. Thank you.

17 Why don't we let the government respond
18 both to the specific and general objections as
19 appropriate.

02:32PM 20 MS. DAVIDSON: Your Honor, with regard to
21 the abuse of position or use of special skill,
22 position of trust or use of special skill, in this
23 case we are specifically dealing with the use of a
24 special skill.

25 I don't think that there is any

1 question in part one of this enhancement that the
2 defendant did have a special skill, and that was her
3 legal training, and for a time she was, in fact, a
4 practicing lawyer and was licensed, and whether or
5 not that special skill facilitated the crime, I
6 think the proof is fairly clear in this case, and I
7 believe that's why probation agreed with us.

8 If you look at her action and the facts
9 of this case, let's just start, first of all, with
02:33PM 10 her co-defendant. She was charged with a conspiracy
11 with the co-defendant being clearly relied upon
12 her -- her purporting to be his lawyer of the trust
13 in order to embolden him and to assist in the money
14 laundering.

15 She -- specifically to commit the crime
16 and his initial crime where he bought the CDs, which
17 she was not charged with, but he relied on her, and
18 he testified that he relied on her every step of the
19 way, and he was talking to her via Skype when he was
02:34PM 20 purchasing these CDs.

21 And then specifically with regard to
22 the money laundering, she -- an employee of Whitney
23 Bank testified that since Mr. Beane had legal
24 counsel, it gave Mr. Beane's assertions of
25 entitlement to that money authority.

1 And she said multiple times during that
2 call she represented herself to be Mr. Beane's
3 lawyer and she tried to make some distinction that
4 she said she didn't say attorney, but she continued
5 to make those assertions. And the employee at
6 Whitney Bank said that it did go into her
7 consideration as to whether or not to rescind the
8 Fedwire.

9 She prepared trust documents that she
02:34PM 10 gave to Buddy Gregg, and in those trust documents,
11 she signed as lawyer for the trust.

12 And the employee from Buddy Gregg also
13 testified that he relied on these trust documents to
14 believe that the money had come from a trust and
15 that Mr. Beane was entitled to the RV, which was,
16 you know, in essence, the large section of the money
17 laundering.

18 She specifically advised Beane and, if
19 you remember, the employee from Ted Russell Ford
02:35PM 20 that the transaction on the Ford truck should be
21 Fedwire, and she knew that based -- as she
22 testified, because of her training in the law and
23 her experience in financial situations.

24 So she tried to perpetuate the money
25 laundering by getting Ted Russell money to be done

1 as a Fedwire as opposed to the ACH transaction which
2 she had normally done or the check that he wrote.

3 She used -- I mean, I have never heard
4 of this that the bank and Ted Russell Ford shouldn't
5 have relied on the advice in order to somehow
6 foreclose the fact that she used it.

7 I mean, the -- the enhancement says if
8 it significantly facilitated the commission of the
9 crime. It facilitated it with her co-defendant,
10 Mr. Beane. It certainly facilitated the crime with
11 regard to Whitney Bank, and the employee of Whitney
12 Bank testified as to that.

13 It specifically facilitated the crime
14 with regard to Buddy Gregg and the trust documents
15 that she prepared, and Ted Russell Ford, also.

16 Now, that crime was stopped based on
17 the fact that USAA Bank discovered the fraud at that
18 point, but she continued to try to assist in the
19 commission of money laundering with co-defendant
20 Beane, and we believe that the enhancement is
21 appropriate.

22 Otherwise, with regard to the general
23 objection of the PSR, we believe that the PSR is
24 accurate. The amended PSR is accurate and should be
25 adopted by this Court.

1 THE COURT: Thank you.

2 MR. LLOYD: Your Honor, Ms. Tucci-Jarraf
3 has not had an opportunity yet to address the rest
4 of her objections or --

5 MS. DAVIDSON: Well, if --

6 THE DEFENDANT: I made a preliminary
7 standing statement before we started. I haven't
8 responded to actually any objections.

9 THE COURT: All right. Anything else on
02:37PM 10 the specific objection related to §3B1.3?

11 THE DEFENDANT: Yes.

12 THE COURT: I mean, Mr. Lloyd has been
13 handling that. Anything else on that from you,
14 Mr. Lloyd --

15 MR. LLOYD: No.

16 THE COURT: -- in response to the
17 government?

18 All right. Now, what do you want to
19 address, Ms. Tucci-Jarraf?

02:38PM 20 THE DEFENDANT: Do you want me to sit here
21 or --

22 THE COURT: Just come up to the podium, if
23 you would, please.

24 THE DEFENDANT: Again, I'll just restate
25 the standing statements that I made before we

1 started.

2 And, secondly, as far as full
3 responsibility, you have Cynthia Davidson trying to
4 mislead this Court as to what was actually said
5 during the trial, because the record is very clear
6 that the transactions actually occurred prior to me
7 even speaking with Whitney Bank or any of the
8 others. A Fedwire had already been sent.

9 So we're getting into minutia detail
02:38PM 10 here with what looks like or appears to be the hopes
11 that people will not have accurate recall.

12 As far as the truck dealership, it was
13 a dirty transaction. The dealership had given him
14 the truck without even having payment and just said,
15 "Oh, bring it on down later."

16 For me, that's not how things are
17 supposed to work in commerce. You pay; you get the
18 product. It's all done -- clean hands, clean
19 transaction. Otherwise, people get in trouble.

02:39PM 20 That's what was stated.

21 So as far as a full responsibility,
22 that's why I even got involved was: You have a
23 clear premeditative pattern with the Federal Reserve
24 and using our Federal Bureau of Investigations, as
25 well as our Department of Justice, as well as our

1 judicial branch, which was also in the trial
2 testimony and part of the record that we knew that
3 there would be -- a guise of government acts would
4 be used with the judicial surety to validate an
5 unlawful and illegal process, such as Mr. Beane
6 being arrested on July 11th, yet no warrants were
7 actually issued until the 13th.

8 And for the RV, it wasn't even filed
9 until the 18th, which was a backdated warrant for
02:40PM 10 the RV seizure which we had discussed in the trial
11 materials.

12 My law degree, the only thing that law
13 school taught me, based on my experience, was: I
14 was able to see the unlawful and illegal activities
15 that do occur. That's it. And to be able to go in
16 and correct them.

17 But it wasn't just me that went in to
18 correct these, and that's what we were actually
19 doing right now is: When you have proceedings that
02:40PM 20 are allegedly on behalf of the United States, and,
21 like we said, we already knew from past behavior of
22 the Federal Reserve that they would utilize the
23 Department of Justice and the Federal Bureau of
24 Investigations.

25 We're seeing it play out in D.C. right

1 now, as far as the corruption that are in those.
2 And McCabe and Strauss, their unit was the one that
3 came to D.C. to come get me, and as was testimony
4 inside of the -- in the trial that was done was that
5 they -- you had Janet Yellen, Chairman of the
6 Federal Reserve, meeting with Alexander -- or excuse
7 me -- Lamar Alexander, the Tennessee senator, as
8 well as U.S. Treasury. While we had Parker Still
9 from the FBI gaining advice and how to proceed from
02:41PM 10 H- -- excuse me -- headquarters of FBI, which we
11 heard testimony in the trial that it was
12 headquarters in Washington, D.C., along with the
13 Federal Reserve from Sean O'Malley that Tennessee
14 would handle it.

15 So when you see -- when you see
16 proceedings alleged on behalf of the United States
17 when the United States does not have power to act,
18 it becomes personal. The personal actions done with
19 the full responsibility of the person doing it,
02:42PM 20 accountability and liability.

21 So the Federal Reserve, the FBI, the
22 DOJ have put you in the position sitting here now
23 operating on your full responsibility, your full
24 accountability and your full liability, as well as
25 Cynthia Davidson's in the same spot, as well as all

1 the members of the FBI, including Parker Still.

2 So as far as any enhancement, only
3 because of my law training was I able to see the
4 unlawful and illegal activity that was being done by
5 the Federal Reserve and their abuse of our branches,
6 our departments, our bureaus, and our agencies, and
7 a government that's supposed to serve and protect
8 the people.

9 So when we have those that are
02:42PM 10 delegated the duty to enforce laws but cannot follow
11 the laws themselves, who is supposed to stand up?
12 Who is supposed to report that his own assets were
13 commandeered from him or to report that the Federal
14 Reserve was actually blocking him at that time?

15 So she would like to hold me
16 responsible, and, actually, I was the main target of
17 this whole thing with the Federal Reserve, this
18 whole operation, which is why I put myself in.

19 But, then again, people who do not have
02:43PM 20 the full acumen and consciousness of how the Federal
21 Reserve and how banking actually works would not be
22 able to identify.

23 So the only thing my law degree --
24 actually, it was all my experience that allowed me
25 to step in and do what we've done in this whole case

1 with this record, as well as the accompanying case
2 for the RV seizure. My law degree only taught me
3 how to actually do the fraud in the first place.

4 So any kind of enhancement, I agree
5 that people with a position of trust -- and that's
6 what I'm saying is: You have FBI and DOJ that are
7 in a position of trust that the people can't even go
8 to to report who actually is committing crimes and
9 have them deal with it.

02:44PM 10 And it's a problem we've had with the
11 Federal Reserve and the banking system for a very
12 long time, and you're actually seeing it all play
13 out.

14 You're also seeing the collusion and
15 the subversion and the subrogation that they do to
16 the American people, such as Mr. Randall Keith Beane
17 and myself, Heather Ann Tucci-Jarraf.

18 THE COURT: All right. Thank you.

19 Miss Davidson, anything in a final
02:44PM 20 response?

21 MS. DAVIDSON: Yes, just briefly, Your
22 Honor.

23 And I want to correct the record. When
24 I was referring to Whitney Bank, the defendant is
25 correct that the Fedwire had already transferred.

1 But she was -- they were speaking to Whitney Bank
2 because USAA had asked them to reverse the Fedwire.
3 And so they were questioning whether or not to make
4 a decision on whether or not to reverse the Fedwire,
5 and Ms. Tucci-Jarraf acting as a lawyer was trying
6 to convince them not to refund the Fedwire.

7 Thank you.

8 THE COURT: All right. Thank you.

9 Now, addressing the Presentence Report,
02:45PM 10 first with regard to, I guess, what the Court would
11 style as the defendant's filing of a rejection of
12 the Presentence Report itself, specifically
13 Document 197, as the Court stated earlier, it does
14 not necessarily construe this filing as a specific
15 objection, but, instead, as a continuing objection
16 to the Court's jurisdiction and authority over this
17 matter.

18 That, in essence, is what defendant
19 argued again in court today referencing numerous
02:45PM 20 previously-filed documents and statements by the
21 defendant related to this issue.

22 The Court has previously ruled on this
23 issue; that is, the jurisdiction and authority of
24 the Court, both at trial and in previous written
25 opinions, including Document 69, which accepted

1 Judge Shirley's report and recommendation,
2 Document 62.

3 And the Court reiterates again today
4 its previous findings that the Court does, in fact,
5 have jurisdiction over the federal criminal
6 conviction at issue here today.

7 So the Court will reject or overrule
8 the continuing objection to the authority and
9 jurisdiction of this Court.

02:46PM 10 The Court also stated previously it
11 construes the defendant's filing of due rejection of
12 the government's objection to the original
13 Presentence Report as an objection to the Revised
14 Presentence Report; specifically an objection to the
15 two-level enhancement for abuse of a position of
16 trust or use of a special skill under Sentencing
17 Guideline §3B1.3.

18 Specifically, §3B1.3 provides that if
19 that defendant abused a position of public or
02:47PM 20 private trust, or, again, as relevant here, based
21 upon the parties' arguments, used a special skill in
22 a manner that significantly facilitated the
23 commission or concealment of the offense, increase
24 by two levels.

25 Among other guidance is Application

1 Note 4 which provides -- and, again, the Court,
2 quoting from Application Note 4, special skill
3 refers to a skill not possessed by members of the
4 general public and usually requiring substantial
5 education, tradition -- excuse me -- substantial
6 education, training or licensing. Examples would
7 include pilots, lawyers, doctors, accountants,
8 chemists, and demolition experts.

9 The Court, after due consideration of
02:48PM 10 the arguments presented today and the filings of the
11 parties, is going to deny this specific objection
12 because the Court finds the objection is not
13 adequately supported by law or fact and because the
14 evidence at trial does support a finding that the
15 defendant did use a special skill in a manner that
16 significantly facilitated the commission or
17 concealment of the offense thereby triggering the
18 applicability of guideline §3B1.3.

19 I don't think there is any dispute the
02:48PM 20 defendant possessed a special skill; that is, legal
21 training and status as an attorney, and, again, the
22 Court would further find, after consideration of the
23 arguments today, including the arguments not only of
24 her elbow counsel but of the defendant herself, and
25 based further on the Court's own review and

1 recollection of the trial testimony, that such
2 testimony does support a conclusion, again, that the
3 defendant utilized her special skill in a manner
4 that significantly facilitated the commission or
5 concealment of the offense.

6 So the Court, again, for all those
7 reasons, will overrule the defendant's objection to
8 this two-level enhancement under §3B1.3.

9 As a result -- well, before I go there,
02:49PM 10 let me ask the government: Has the government
11 received the Presentence Report in this case?

12 MS. DAVIDSON: Yes, Your Honor, we have.

13 THE COURT: Does the government have any
14 objections to the Presentence Report?

15 MS. DAVIDSON: No further objections. Only
16 the one that we just addressed.

17 THE COURT: All right. And then the Court
18 finds that the Revised Presentence Report does
19 correctly calculate the offense level in this case.

02:50PM 20 And specifically, as noted in paragraph
21 62 of that report, based on a total offense level of
22 24 and criminal history category of I, the guideline
23 imprisonment range is 51 months to 63 months.

24 All right. We turn now to imposition
25 of sentence, and the Court would turn to the

1 government first.

2 Is there anything -- well, let me back
3 up.

4 Are there any witnesses that either
5 side wishes to present related to the matter of
6 sentencing? I think the government had already said
7 no.

8 MS. DAVIDSON: Your Honor, we have no
9 witnesses.

02:50PM 10 THE COURT: All right. Ms. Tucci-Jarraf,
11 do you have any witnesses you want to present
12 related to sentencing or the sentencing factors
13 applicable to the Court?

14 THE DEFENDANT: If I might have one second.

15 THE COURT: And I'm not talking about your
16 allocution here. It's any witnesses besides
17 yourself.

18 (A discussion was had between
19 the defendant and elbow
02:51PM 20 counsel off the record.)

21 THE DEFENDANT: Mr. Lloyd just informed me
22 that there are two. We have Youssef Jarraf and
23 William Ferguson.

24 THE COURT: All right. Do you want
25 them -- each of them to testify related to

1 sentencing? Now, we're not here to discuss guilt or
2 innocence; we're here to talk about what the
3 appropriate sentence should be.

4 THE DEFENDANT: Right. And I believe
5 Youssef Jarraf for sure towards sentencing, as well
6 as character by sentencing as well.

7 THE COURT: All right. Who do you want to
8 call first?

9 THE DEFENDANT: Can I just confirm with
02:51PM 10 Mr. Lloyd, Your Honor?

11 THE COURT: Go ahead.

12 (A discussion was had between
13 the defendant and elbow
14 counsel off the record.)

15 THE COURT: Do you wish to call --

16 THE DEFENDANT: I've confirmed that the two
17 witnesses do want to speak.

18 THE COURT: Okay.

19 THE DEFENDANT: And I believe it's going to
02:52PM 20 be a mix between sentencing and character. So how
21 do you want to deal with that?

22 THE COURT: Well, I mean, I think that all
23 relates to sentencing. So that's fine. You can
24 either ask them questions or you can just ask them
25 to make a statement. Either one is fine with the

1 Court. So we'll call them up.

2 Who do you want to go first?

3 Mr. Jarraf?

4 THE DEFENDANT: Who wants to go first?

5 Okay. So William Ferguson will be
6 going first.

7 And before we do these testimonies,
8 just that they will probably be making a blanket
9 statement. I might have questions whether -- after
02:52PM 10 they make the blanket statement.

11 THE COURT: That would be fine. And also
12 just keep in mind the government would have the
13 opportunity to ask questions as well.

14 So, Mr. Ferguson, if you'll come on up,
15 please.

16 THE DEFENDANT: They're being called
17 without any -- the standing jurisdiction and
18 authority issue.

19 THE COURT: Mr. Ferguson, if you'll just
02:53PM 20 follow the courtroom deputy, she will get you
21 situated.

22 THE COURTROOM DEPUTY: Do you solemnly
23 swear or affirm that you will true answers make to
24 all questions asked of you at this time as you would
25 unto God? If so, please say I do.

1 THE WITNESS: I do as original, true and
2 complete.

3 THE COURTROOM DEPUTY: Thank you. Have a
4 seat.

5 THE COURT: Thank you, Mr. Ferguson.

6 Ms. Tucci-Jarraf or Mr. Lloyd, either
7 one, do you want to ask any questions or preliminary
8 questions, or do you just want Mr. Ferguson to make
9 a statement related to sentencing?

02:53PM 10 MR. LLOYD: Your Honor, I might ask a few
11 to have him identify himself --

12 THE COURT: That would be fine.

13 MR. LLOYD: -- and the source of his
14 knowledge.

15 THE COURT: Go ahead.

16 WILLIAM THOMAS FERGUSON, III

17 having been first duly sworn, was examined and
18 testified as follows:

19 EXAMINATION

20 BY MR. LLOYD:

21 Q. Mr. Ferguson, would you -- have you already
22 stated your full name? I --

23 THE COURT: He did.

24 BY THE WITNESS:

25 A. My name is William Thomas Ferguson, III.

1 BY MR. LLOYD:

2 Q. And you -- you live where, sir?

3 A. Currently I live in Portland, Oregon.

4 Q. You are a friend of Heather Tucci-Jarraf?

5 A. Yes, I am.

6 Q. And would you please describe for the Court
7 your estimation of her as a friend, as a person.

8 A. I met Heather Ann Tucci-Jarraf in late

9 2012. I was a blogger at the time, and I had

02:54PM 10 uncovered a transaction, illegal transaction, from
11 HSBC in Hong Kong to the New York -- Bank of New
12 York for 39 trillion.

13 I published that. I got all kinds of
14 death threats from lawyers and people in Hong Kong.
15 And this was in October of 2012. I eventually
16 pulled the video.

17 In late December, actually, the day
18 after Christmas, Ms. Heather Ann Tucci-Jarraf
19 e-mailed me, thanked me for publishing what I did,
02:55PM 20 and said that she wanted to correct the energies
21 that I was experiencing because she was concerned
22 about the pressure I was under at the time. That
23 was my introduction to the woman.

24 She has been the most kind human being
25 I've ever known. Her concern, even in the midst of

1 this trial, and I was the one responsible for her in
2 Oak Ridge for the housing, which I made the
3 commitment to Judge Varlan or -- excuse me -- Judge
4 Shirley at the time to make sure she was housed for
5 those 10 months, or eight months, I guess it was.

6 But she -- in spite of all the false
7 things that were stated in this Court, she always
8 was concerned for even the prosecution, for the FBI,
9 for the bigger picture, what's going on here, and
02:56PM 10 what everyone is putting themselves in personal
11 liability for. This is not a person who was out for
12 her own fame.

13 I was in -- in the spring of 2013,
14 Ms. Tucci-Jarraf invited me to visit her home in
15 Morocco, me and several other bloggers at the time
16 who were publicizing her legal filings, and
17 that's when I met her and the rest of her family.

18 And all during that time she never took
19 one dime from anybody. And so the characterizations
02:56PM 20 of her in court as being Internet hungry, as being
21 greedy are so out of character to what I know of
22 this woman.

23 This woman has -- she shops at Goodwill
24 when she needs to buy clothes. She -- she has done
25 all of this on her own dime.

1 And even when this situation developed
2 with Randy Beane, she didn't have to get involved in
3 that, but she knew he was going to disappear down a
4 black hole if she didn't.

5 And, you know, I -- this -- that's
6 my -- my background with this. And it's -- it's
7 been deeply saddening to watch this proceed. I
8 can't change what the jury saw. But I also -- and I
9 don't hold anything against Mr. Pack or the
02:57PM 10 prosecution or the DOJ. I know they're just doing
11 their jobs as they think they have to do it. But I
12 know the jury wasn't fully informed what this case
13 was about. This is in a criminal court when it
14 should be a UCC issue, and I guess I'll stop there
15 for a moment.

16 Q. You understand that His Honor has before
17 him today the question of what sentence to impose as
18 a result of the earlier jury conviction.

19 A. Yes, I do.

02:58PM 20 Q. And would you speak to your -- how you feel
21 there should be punishment in this case based on
22 your knowledge of and experience with
23 Ms. Tucci-Jarraf.

24 A. I don't think there has even been a crime
25 here if you know the true facts about the Federal

1 Reserve. And I know Randy Beane did not use a false
2 Social Security number. That was a concoction of
3 USAA Bank to prove intent of fraud.

4 If he had used a false Social Security
5 number, that would be fraud. But he didn't. And
6 not one piece of evidence from the Federal Reserve
7 as to the actual transaction logs from the Federal
8 Reserve to USAA was ever shown. There was no
9 transaction.

02:59PM 10 And I worked for Visa Bank- -- Visa
11 Bankcard Company in San Francisco. We did ACH
12 transactions there. And those things are logged
13 with the Federal Reserve. There is logs.

14 Anybody can alter a Social Security
15 number and an SQL database at USAA. You know, their
16 own SQL expert can do that.

17 There was no evidence presented from
18 the Federal Reserve itself. It's just USAA's word
19 for it.

03:00PM 20 And then in testimony, I had -- you
21 know, I watched Parker Still. And God bless the
22 man. He's got a pure heart. He really believes
23 what he's doing. But then we see a -- testimony
24 from him saying that he got all this data from USAA.

25 And so I thought, well, maybe he did.

1 And then I see the Federal Reserve get up with Sean
2 O'Malley and -- I mean, Sean had it down. The guy
3 is -- he's got the gift of gab like an Irishman.
4 And I thought, well, he's good, until the
5 cross-examination, and then we learned where -- where
6 the information came from. You know, it came out of
7 the New York Fed.

8 Then it was fed to the FBI Cyber
9 Bureau. Then it was fed to the guy in -- at the
03:01PM 10 University of Tennessee on the cybercrime task force
11 who has a poli science degree. He's not even a
12 computer tech. So this guy is supposed to be this
13 technical expert on cybercrime, and all he's
14 got -- and I come from an IT background of almost
15 25 years and high-speed transaction processing with
16 the airlines, with the railroads, with the banks,
17 and they present a poli sci graduate to prove there
18 was a cybercrime that took place.

19 And in his testimony of this trail from
03:01PM 20 the Federal Reserve to the -- to the University of
21 Tennessee to Parker Still doesn't even match Parker
22 Still's own testimony. And how the jury
23 didn't -- missed it, I don't know. But I think
24 maybe in the elocution of this evil woman, Heather
25 Ann Tucci-Jarraf, who has a secret plan to get rich

1 quick on -- on a transaction, which is so absurd, it
2 boggles my mind.

3 But whether this goes -- I mean, to my
4 mind, this should be dismissed now. But I'm not the
5 judge. I'm not the jury. I don't have a say in
6 whether she is guilty or free.

7 But I do know -- you know, I was -- I
8 grew up a Christian, and I believe that, as I used
9 to say, truth will out; whether it's today or
03:02PM 10 tomorrow, it will come out.

11 And this is the bravest woman I've ever
12 met in my life. So that's -- that's the woman I
13 know. It wasn't the woman presented to this jury.

14 And, you know, I can't even imagine a
15 year in jail, let alone 51 months, for doing a trust
16 document of all things. I mean -- but that's me.

17 Excuse me. My mouth is getting dry and
18 there is no water up here.

19 But that -- I don't know if I answered
03:03PM 20 the question correctly or to your satisfaction.

21 Q. You've answered the question.

22 MR. LLOYD: And I believe Ms. Tucci-Jarraf
23 might have a few questions, Your Honor.

24 THE COURT: That's fine. Go ahead.

25 Do you have further questions of this

1 witness?

2 From the podium, please.

3 THE DEFENDANT: You just like to hear the
4 jingle; that's all.

5 EXAMINATION

6 BY THE DEFENDANT:

7 Q. Okay. You stated that your background was
8 IT, and that's fine. It doesn't need to go into
9 that more because we're here for basically
10 sentencing.

03:04PM

11 A. Uh-huh.

12 Q. Okay. And you had stated that we first met
13 when I had contacted you, and that was with two
14 others; correct?

15 A. Yes.

16 Q. With --

17 A. Jenny Aromek (phonetic) and Brian Kelly.

18 Q. And Brian Kelly.

19 And you were already doing blogs
20 regarding banker resignations.

03:04PM

21 A. Yes, I noticed a pattern starting in
22 February 2012 of a huge number of banking
23 resignations of high-level central bankers. There
24 were just -- you know, HSBC, Deutsche Bank, all
25 these huge banks, and there was just an abnormally

1 large amount of them, and I started tracking them.

2 Q. Uh-huh.

3 A. And I think -- I lost count after about
4 15- -- I think it was about 1500 of them in a short
5 period of time.

6 I knew somebody was out there, had
7 filed something in law that was causing this exodus
8 from banks so they were taking their golden
9 parachutes. And I thought it was a man, but it was
03:05PM 10 you. And that's what I found.

11 Q. So as far as -- just to clarify, when he --
12 when Mr. Lloyd had asked you what kind of sentencing
13 you think that I should get --

14 A. None. You've done nothing wrong.

15 Q. And do you have any -- like a statement
16 that you want to make, just without any
17 interruptions with questions or anything like that
18 that you want to make before you leave the stand?

19 A. I think I pretty much covered it already,
03:05PM 20 as far as my feeling about this trial. That doesn't
21 mean that I hold any animus towards anyone in this
22 court. I mean, that's just not my nature. And it's
23 not, you know, what you or I would do.

24 We love everyone. This has always been
25 about love and about showing the corruption that

1 existed in the banking system so it could be cleaned
2 up.

3 And, you know, it's -- sometimes -- you
4 know, sometimes things don't always go as we expect,
5 and I don't know how this goes. I wish I did.

6 You know, history is full of Gandhis
7 who were in jail for what they believed. Nelson
8 Mandela for 26 years. I mean, it's been people like
9 this all over the world, and things don't always go
03:06PM 10 the way you want right away. But I know you, and
11 what I saw portrayed in court was not you.

12 And, you know, I -- I know that the
13 prosecution has their job and their job is to get
14 cases -- convictions. So I -- I don't personalize
15 this. It would have been anybody.

16 But -- but I -- I'm at a loss of words
17 to express my frustration, perhaps, that I -- what
18 more could -- could be said.

19 I mean, you were arrested by a British
03:07PM 20 national in D.C., and if that doesn't say something
21 about the FBI and what's foreign actors, I don't
22 know what does.

23 I couldn't even find you for four days
24 in D.C. The case was sealed. And the contact I did
25 have from a business card turned out to be a

1 counterterrorism task force as if you were a
2 terrorist. But you would never harm anyone.

3 So this whole thing has been insane
4 from the beginning. But, you know, we see how this
5 rolls. I don't -- I don't know how it rolls, but I
6 know you're innocent. I know Randy is innocent.

7 THE DEFENDANT: Thank you.

8 THE COURT: All right. Thank you. Any
9 questions from the government?

03:08PM 10 MS. DAVIDSON: No, Your Honor.

11 THE COURT: All right. Thank you,
12 Mr. Ferguson. You may return to the audience.

13 Mr. Lloyd or Ms. Tucci-Jarraf, did you
14 want to call Mr. Jarraf as a witness as well?

15 It looks like he's making his way up.
16 So --

17 THE DEFENDANT: He's on his way up.

18 THE COURTROOM DEPUTY: Do you solemnly
19 swear or affirm that you will true answers make to
02:10PM 20 all questions asked of you at this time as you would
21 unto God? If so, please say I do.

22 THE DEFENDANT: Yes, I'm here to speak the
23 truth.

24 THE COURTROOM DEPUTY: Thank you. Have a
25 seat. Scoot as close as you can.

3 THE WITNESS: My name is Youssef Jarraf,
4 spelled Y-o-u-s-s-e-f, Jarraf, J-a-r-r-a-f.

5 THE COURTROOM DEPUTY: Thank you, sir.

6 **YOUSSEF JARRAF,**
7 having been first duly sworn, was examined and
8 testified as follows:

9 EXAMINATION

03:09PM 10 BY MR. LLOYD:

11 Q. Good afternoon, Mr. Jarraf.

12 A. Good afternoon.

13 Q. Would you tell the Court, please, your
14 relationship with the defendant, Ms. Tucci-Jarraf.

15 A. Yes. I am Heather Tucci-Jarraf's husband.

16 Q. Do you and she have children?

17 A. We have four beautiful children.

18 Q. What are their ages, please?

19 A. Zachary Jarraf is 16. Lela Jarraf is 15.

03:10PM 20 And Aleyah Jarraf, 12, and Adam, eight.

21 Q. And I believe that you and the four
22 children reside currently in the Boston area?

23 A. Yeah. Yes. I'm sorry.

24 Q. That's alright, sir.

25 Would you describe to the Court your

1 knowledge of Ms. Tucci-Jarraf. What kind of person
2 is she?

3 A. We met in the year 2000 in Italy. I was
4 living in Florence.

5 Q. And, sir, I'm sorry, but I'm a little hard
6 of hearing.

7 A. Hold on just a second, please.

8 THE WITNESS: Thank you.

9 BY THE WITNESS:

03:11PM 10 A. It's just that I never imagined this moment
11 to be in front of my wife and she is about to be
12 sentenced.

13 She is a wonderful woman. We met in
14 2000 in Italy. My life was in Italy. I grew up in
15 Italy, and I was never thinking to leave Italy in my
16 life. But for her, when we decided in 2003 she
17 wanted to come back to the U.S., I give up
18 everything. I followed her because she is a
19 wonderful person.

03:12PM 20 We lived since then. We had our two
21 beautiful kids here, because we had the two first in
22 Italy and then the other two that were born here in
23 Washington State. And she was always helping
24 everybody, even the people that she didn't know.

25 She always -- she was genuine people.

1 You know, really kind. Really -- she never did
2 anything for money. She always looked just for
3 happiness. Happiness for everybody, not just for
4 us.

5 And to see her today sitting accused
6 that she is helping people to break the law, which
7 she never did. She was very strict, correct since I
8 knew her. Always.

9 People that know her in Italy or they
03:12PM 10 know her in Morocco, they always -- they tell me,
11 "You are lucky. You have a very kind woman, very
12 beautiful-inside-heart woman." And it's not her
13 that's supposed to be sitting there. It's wrong.
14 This is wrong.

15 My kids yesterday when I was flying
16 from Maine to come here, they were talking to me,
17 "Bring mom back home. Don't come back without mom."
18 It's so hard.

19 And all this just to make Federal
03:13PM 20 Reserve richer. You put innocent people in jail.
21 You leave four kids that are in need for her, that
22 are waiting for her. She never did nothing wrong.

23 I'm sorry.

24 BY MR. LLOYD:

25 Q. That's alright, sir. Take your time.

1 A. I'm usually a strong character, strong
2 person, but, you know, I'm -- but I cannot -- I feel
3 my tears coming because she doesn't deserve this.
4 It's wrong. It's switched upon my beliefs in
5 justice to see innocent people going to jail. I
6 mean, this is wrong. It's wrong. I don't know what
7 to teach my kids, what to tell them about justice.

8 Q. Sir, if Ms. Tucci-Jarraf is ordered to a
9 prison --

03:14PM 10 A. Excuse me?

11 Q. If Ms. Tucci-Jarraf --

12 THE COURT: You have to speak over the
13 microphone as well, Mr. Lloyd.

14 MR. LLOYD: I was wandering.

15 BY MR. LLOYD:

16 Q. If Ms. Tucci-Jarraf is sentenced to a term
17 of imprisonment, is it your desire and your
18 children's desire that she be housed as close to
19 Boston as possible?

03:15PM 20 A. Of course. We would like to see her often.
21 I mean, I'm hoping -- I was hoping to get her home
22 today.

23 Q. Is there anything that you wish to say to
24 the Court while His Honor has under consideration
25 what sentence to impose in this case about what, in

1 your opinion, that sentence should be?

2 A. I mean, it wasn't even supposed to be a
3 case from the beginning. And she -- she doesn't
4 deserve any -- any of this. She doesn't deserve to
5 be sitting there.

6 According to all the evidences that she
7 tried to prove to the Court, which the jury ignores,
8 she wasn't supposed to be in jail.

9 And we've been living for a year like a
03:16PM 10 nightmare, just me as a single father with four
11 little kids. It's hard for the kids, for me, for
12 everybody.

13 So I will love to have her close to us,
14 of course, in case if the -- if they will have to
15 sentence her, I would love her to be.

16 MR. LLOYD: Your Honor, Ms. Tucci-Jarraf
17 might have some questions.

18 THE COURT: Any questions, Ms. Tucci-Jarraf?

19 EXAMINATION

03:16PM 20 BY THE DEFENDANT:

21 Q. We've known each other for 18 years.

22 A. Uh-huh.

23 Q. In that time, how long, per your knowledge,
24 have I been working on the Federal Reserve and the
25 corruption and all of that?

1 A. I mean, maybe 12 years.

2 Q. 12 years where you were assisting --

3 A. Yes.

4 Q. -- and aware of details?

5 A. Yeah.

6 Q. So when you tell this Court that I
7 shouldn't be even sentenced, let alone the timing,
8 or if I am to be sentenced, at the very least to be
9 close to you guys, it's based on your experience
03:17PM 10 with me over those 12 years --

11 A. Yes.

12 Q. -- of you knowing what was going on?

13 A. Yes, of course.

14 Q. Were there also years of my work that you
15 weren't aware of what my job was?

16 A. Yes. You told me after. You told me that
17 you were already doing that before even we met,
18 before even we -- you were already working that they
19 are not right, investigating and doing your
03:18PM 20 researches about stuff that you don't feel right,
21 that you don't feel correct, of the corruptions
22 and --

23 Q. Do you have experience with dealing with
24 corrupt systems?

25 A. Well, I am from Morocco. I see that in my

1 country.

2 When I move to Italy -- I grew up in
3 Italy. I've seen that in Italy. That's everywhere.
4 Corruption is everywhere. It's global, according to
5 my experience. Places that I lived, that's what I
6 lived. I've seen it. You can see it every day.

7 Q. Have I ever utilized my experiences, or, to
8 the best of your knowledge, have I ever utilized my
9 experiences or my training or my expertise to harm
10 anyone?

11 A. No, never. That's what surprised me to see
12 you here accused for something that all my life I've
13 seen you not even asking for nothing. You've been
14 doing -- helping people and doing a lot of folks
15 even for free just to help, not to get or to gain
16 something.

17 Q. Did you know about this operation prior to
18 it starting?

19 A. No, I didn't.

20 Q. When did you find out about it? The
21 operation to expose the corruption, when did you
22 find out about the specific one involving Tennessee
23 and the Federal Reserve and Randall Keith Beane?

24 A. When the problems start when you got
25 arrested.

1 Q. In Washington, D.C.?

2 A. In Washington, D.C.

3 Q. Okay. Do you have any other further
4 statements that you want to make to assist
5 Mr. Varlan in making his decisions today?

6 A. I want you to go home with us or arrange a
7 house, arrange a room for us to move with you
8 because, really, it would be -- to leave here
9 without you, it was a nightmare for every single
03:20PM 10 one, for my kids, for me every day. I can't see a
11 life without. I can't see kids that are getting
12 really sad without you. Every day -- they ask me
13 about you every day. They tell me about their
14 dreams that they had about you every day. It's --
15 it's killing them.

16 Q. Ever since we have -- our oldest is 16.
17 And even during all these 18 years, what has our
18 family life been like? Has it been I'm not present
19 or has it been tight-knit and we work and travel
03:21PM 20 together, or what has it been like for everyone?

21 A. We traveled a lot, but we always traveled
22 as a family. We moved. We -- as any family, you
23 have good time, bad time, but we always had good
24 time. We always take care of the kids, give them
25 the best education we could, best knowledge we have,

1 trying to give them international background that we
2 have. It was fun to live with you and the kids. So
3 I would love to have you back.

4 Q. Is there anything else that you want to say
5 before Ms. Davidson might have some questions for
6 you?

7 A. I just miss you a lot. That's not correct
8 to see you there. And the real ones that are doing
9 all this mess, they are just getting richer and
03:22PM 10 richer, stronger, powerful. They have to sacrifice
11 you, and by sacrificing you, it's also sacrificing
12 me and the kids. It's tough.

13 THE DEFENDANT: Thank you.

14 BY THE WITNESS:

15 A. The truth -- the truth will come -- sooner
16 or later it will come out.

17 THE DEFENDANT: Thank you. I have nothing
18 more.

19 THE COURT: Thank you. Any questions from
03:23PM 20 the government?

21 MS. DAVIDSON: No, Your Honor.

22 THE COURT: All right. Thank you,
23 Mr. Jarraf. You may go back to the audience.

24 I think that was all the witnesses the
25 defendant wished to present. So now let's go back

1 to a discussion regarding sentencing.

2 We'll begin with the government.

3 Anything the government would like to say or present
4 at this time related to imposition of sentence?

5 MS. DAVIDSON: Yes, Your Honor.

6 MR. LLOYD: Your Honor --

7 THE COURT: Excuse me a second.

8 MR. LLOYD: I'm sorry to interrupt, but
9 Ms. Tucci-Jarraf asked whether she might have a
10 short break.

03:23PM

11 THE COURT: Before the arguments?

12 MR. LLOYD: Yes, Your Honor.

13 THE COURT: Sure. That's fine. Why don't
14 we go ahead and take a 10-minute recess.

15 THE COURTROOM DEPUTY: All rise. This
16 honorable court should stand in recess until 3:35.

17 (A brief recess was taken.)

18 THE COURTROOM DEPUTY: This honorable court
19 is again in session. Please come to order and be
20 seated.

03:35PM

21 THE COURT: Thank you, everyone.

22 Ms. Davidson.

23 MS. DAVIDSON: Just briefly, Your Honor.

24 The United States relies on its sentencing

25 memorandum, but we would like to point out that the

1 government in this case asked for a sentence at the
2 top of the guidelines of 63 months in this case.

3 And if you look at the 3553 factors, of
4 primary importance -- obviously this is a serious
5 crime, but as primary importance to the United
6 States is the deterrence in this case, both general
7 and specific deterrence.

8 You heard Mr. Ferguson testify that
9 Ms. Tucci-Jarraf was not seeking fame, but, you
03:36PM 10 know, his own testimony belies that.

11 She invited a group of bloggers to
12 Morocco in the spring of 2013, bloggers, Internet
13 bloggers. And so at every turn she has sought fame.

14 She continues to publish every pleading
15 that has been filed in this court, including the
16 PSR, which on the PSR it specifically has the
17 Court-ordered -- the local rule to not publish the
18 PSR, yet she chooses to ignore that.

19 She has consistently accused the United
03:37PM 20 States and this Court of perpetuating a fraud on the
21 United States. And this defendant and others that
22 follow her should understand that to espouse these
23 falsities could result in substantial jail time.

24 I mean, she did the crime. The jury
25 heard 10 days, almost 10 days of proof, and came to

1 the conclusion, which we assert is the correct
2 conclusion, that she was guilty.

3 There was a victim in this case, USAA
4 Bank. They had money stolen from them. There is
5 not a vast conspiracy. This defendant is not a
6 martyr.

7 We ask that she be sentenced to
8 63 months in prison, followed by a term of
9 supervised release of three years.

03:38PM 10 THE COURT: All right. Thank you.

11 Ms. Tucci-Jarraf, if you'd like to
12 address the Court as the defendant in this case, not
13 your allocution, but if you would like to address
14 the sentencing factors and/or imposition of
15 sentence, the Court would allow you to do so at this
16 time.

17 THE DEFENDANT: Okay. Since we took a
18 break, without prejudice, I'll continue, and I
19 reiterate, restate the statements, standing
03:38PM 20 declarations that we made at the beginning.

21 I would like --

22 THE COURT: All right. Go ahead.

23 THE DEFENDANT: -- to ask for -- to be able
24 to do my allocution first and to do the -- to
25 address as far as what I think sentencing should be.

1 THE COURT: That's fine. Do you want to do
2 it at the same time?

3 THE DEFENDANT: That would be fine.

4 THE COURT: All right. Why don't you come
5 up to the podium, and we'll just -- we'll allow
6 you -- we'll understand you're giving your
7 allocution, and then as part of that or as a
8 corollary to that addressing the appropriate
9 sentence. So, go ahead.

03:39PM 10 THE DEFENDANT: Okay.

11 (A discussion was had between
12 the defendant and elbow
13 counsel off the record.)

14 THE DEFENDANT: I just spoke with
15 Mr. Lloyd, and I believe he wanted to say something
16 in regards to the sentencing. So if he wants to do
17 that first, and then I do my allocution and my --

18 THE COURT: Go ahead.

19 THE DEFENDANT: Okay. Thank you.

03:39PM 20 MR. LLOYD: Your Honor, one thing that has
21 come out during this proceeding and during the trial
22 itself is that this is not a case, again, like the
23 Madoff case that I referred to earlier.

24 Whether supportable by logic in law or
25 not, there is plenty of evidence in this case to

1 illustrate that the view Ms. Tucci-Jarraf has, which
2 is shared by others, that the Federal Reserve system
3 is corrupt is -- is a view that is held sincerely.

4 The punishment sought by the United
5 States in this case is, therefore, to some extent,
6 the prosecution of a thought crime or an opinion
7 crime.

8 The government has asked, Your Honor,
9 to impose a sentence at the top end of the advisory
03:42PM 10 guidelines range for deterrence, but part of the
11 deterrence thought is in the nature of don't even
12 think about promoting this notion of what the
13 Federal Reserve does that is contrary to the
14 accepted view of what the Federal Reserve does.

15 I urge the Court in applying the four
16 factors to take that into account because I urge the
17 Court to consider that -- that crossing the line
18 into prosecution of a thought or an opinion about a
19 system within the government of the United States is
03:42PM 20 to cross a dangerous line. Conduct is punishable,
21 but thought is not; opinion is not.

22 The other thing that I would urge the
23 Court to consider is that pointing out that one uses
24 digital media is not the same as seeking fame or
25 seeking support for an opinion or argument. It's a

1 fact of life, Your Honor. I can assert that
2 personally. I was sort of dragged screaming and
3 kicking into using digital equipment. It's
4 unavoidable now.

5 I don't believe that it is fair to
6 impose a greater sentence than would otherwise be
7 applicable in this case on the basis of
8 Ms. Tucci-Jarraf's use of digital media.

9 That being said, Your Honor, I -- I
03:44PM 10 yield the podium to the defendant.

11 THE COURT: Thank you.

12 Ms. Tucci-Jarraf.

13 THE DEFENDANT: Thank you. We proceed
14 without prejudice as we stated before.

15 I'll be doing the allocution and what I
16 believe sentencing should be mixed. Thank you.

17 So, Ms. Davidson has brought up factors
18 to be considered in imposing a sentence, and I'm
19 going to introduce my allocution in this way because
03:45PM 20 factors to be considered in what I did and what has
21 resulted in us being here today, I have used extreme
22 prudence in judgment, as well as in action, and
23 that's a matter of record, and what we have here is
24 a case that does not have all the facts, does not
25 have all the documents.

1 Ms. Davidson would have you believe,
2 the United States, that I have a complete disregard
3 or a significant or a healthy disregard for law, law
4 enforcement, the judicial system, government in
5 general. That has been basically the theme that has
6 been touted from August 24th, if not before that
7 during a Grand Jury indictment, at least from
8 August 24th onward.

9 THE COURT: I'm going to ask you to scoot
03:46PM 10 over a little bit there in front of the microphone
11 there to make sure I can hear everything. Thank
12 you.

13 THE DEFENDANT: I actually have a very
14 healthy and loving relationship with systems, and
15 that when they are created that they should serve
16 the ones that created them.

17 Throughout this particular case, I have
18 been ridiculed. I have been made fun of by
19 Ms. Davidson, as well as C. Clifford Shirley for
03:46PM 20 essentially what is not just my beliefs but my
21 experiences at the top levels of bank trade and
22 finance globally, as well as in America.

23 The due declaration of lack of
24 authority and jurisdiction, this was not something
25 to upset everyone. It wasn't a matter of

1 make-believe or fabrication. This was actually the
2 truth of the state of affairs that we are in today.

3 America was sold out a long time ago,
4 and The Paradigm Report, which was a field report
5 from the investigations that were done to be able to
6 solve the pandemic of financial fraud globally, as
7 well as in the United States -- and I apologize
8 because I'm not sure. It was entered into trial.
9 The Paradigm Report was actually entered into trial.

03:48PM 10 And it goes through not just bank trade and finance
11 and the financial system, but it also went through
12 our judicial because it was piggybacked with
13 judicial, because it's all interrelated, digital
14 corruption as well as law enforcement corruption.

15 And then we had to take a look at
16 subversion, collusion with foreign actors and our
17 different branches of government.

18 This is 20 years of experience in my
19 life and prudent application, prudent investigation
03:48PM 20 in the course of actual titled jobs, as well as
21 professional experience while I was a Bar attorney,
22 but also while not being a Bar attorney of 2011 and
23 onward.

24 That Paradigm Report was made available
25 to a very few at the highest levels of bank trade

1 and finance, as well as institutional investors,
2 and that was done on March 6, 2011, and you can
3 actually see in the markets the cause was not known
4 at the time publicly, but you can actually see it
5 and piece it together.

6 That Paradigm Report I restate and
7 incorporate by reference as if set forth in full.
8 It was a part of the trial. It was -- actually led
9 to myself and members or individuals that worked
03:49PM 10 inside the Department of Justice, as well as every
11 different level of judicial; so from federal judges
12 to state judges to district judges, municipal
13 judges, as well as law enforcement, from sheriffs to
14 FBI, marshals, CIA, NSA, and military.

15 And in their -- we've understood for a
16 long time the Federal Reserve's acts are not
17 anything secret, except for their procedures, their
18 daily procedures; however, how the Federal Reserve
19 actually came into existence and the deceptive acts
03:50PM 20 and practices, as well as the selling out, we knew,
21 no matter what the Federal Reserve does, it's --
22 that they would use government acts and hide under
23 government acts using a judicial security -- excuse
24 me -- surety to validate the process and the clerk's
25 ledger.

1 In 2011, we had the -- let's just put
2 it this way: Every single action that I took was
3 working with our judicial, our executive and our
4 legislative branch, and everything was made public
5 the entire time that we were doing it so that we
6 could revise it.

7 In 2011, the actual plan was made
8 available. This would be Exhibit 1. It was a sworn
9 affidavit. We were dealing with the Supreme Court.
03:50PM 10 We utilized every single -- here we go.

11 It was put through that database.
12 Every single database in the United States, as well
13 as globally, is utilized by the clean-up crews.

14 But this was from September 2011, and
15 this actually had the plan of action that you are
16 actually seeing played out, the finale part played
17 out right now.

18 And in there you'll find the same
19 statements. This is going to be an exhibit. So --
03:51PM 20 but basically you have the same statements.

21 Of course, it reflected the actual
22 current legal and lawful status at that time. So
23 the language in here would not be language that is
24 accurate for the status legally, legal status and
25 lawful status of today. However, statements like

1 pro government, I'm absolutely pro government,
2 absolutely anticorruption. All of that stands the
3 same.

4 In this particular affidavit, I was
5 asked to list out basically the plan of how we would
6 go around -- how would we expose the collusion, the
7 foreign actors and their collusion and their use,
8 their abuse of our particular branches of the United
9 States, departments, agencies, and bureaus.

03:52PM 10 And this plan of action was put out in
11 2011, and this is what we have actually followed
12 every single step of the way.

13 Why is that not showing? Okay.

14 Every single step of the way all
15 involved from every branch of the United States
16 government at the highest levels have had this
17 information and they have actually been
18 participating in the clean-up.

19 And if you go down to page 4 of 12, No.
03:53PM 20 16, the whole entire entirety of No. 16A through Z,
21 and, actually, I believe it's A through AA, lists
22 out the most important part was that there were
23 actors operating -- and this is B -- within and
24 abusing the people's government that have abused,
25 usurped, committed other suffrage upon the people

1 destroying the very security of the people they
2 swore to protect and uphold, reducing the people
3 under absolute despotism, undeniably recorded in the
4 public forum for all the world to evidence.

5 I bring this up because this is not
6 just my belief, but this is actually recorded within
7 the different departments, agencies inside of their
8 bookkeeping.

9 And that the only way that we would be
03:54PM 10 able to do this with keeping everyone safe, alive
11 and making sure that it came out was that the actors
12 within would be identified and that they would
13 actually identify themselves to make it the most
14 obvious as possible, which is what is happening and
15 has been happening since last July.

16 There are actor's inability and
17 unwillingness to follow, uphold or support the
18 Constitutions herein identified and restated. We
19 have absolute proof of that inside of the entire
03:54PM 20 case where you had Randall Keith Beane
21 unconstitutionally and unlawfully arrested. He
22 wasn't even arrested; he was kidnapped without a
23 warrant. It would be arresting, taking of his RV
24 without a warrant. It would be grand larceny if it
25 was conducted by anybody else.

1 However, according to Parker Still, he
2 said that that was just the movies where they have
3 to provide all that. There was no communication
4 whatsoever. It was just a snab and grab.

5 And that the actors operating within
6 these governments would be succinctly met -- excuse
7 me -- sufficiently met by evidence of -- and it goes
8 into the inability to uphold and support and follow
9 the Constitution.

03:55PM 10 Misapplication -- No. 2, misapplication
11 against the people of laws previously authorized by
12 the people to be enacted solely for administration,
13 governance, and efficiency of the people's
14 governments, which would be your statutes and your
15 codes and your regulations.

16 3, your actors acting outside of the
17 authority granted to them by the people.

18 This case is and was for the purpose --
19 and I've always stated this -- was for the purpose
03:55PM 20 of showing this particular flaw and the corrupt
21 state.

22 No. 4, the actors causing the silence,
23 termination, delay, or otherwise discrediting of the
24 people's due consideration, investigation or
25 determination of abuse, usurpation, and other

1 suffrage that has already occurred, is occurring, or
2 is yet to occur.

3 We're seeing that played out in D.C. as
4 well. As I stated to everyone in this court,
5 including to a jury, that the exposure of the FBI
6 and the corruption in the FBI and how the FBI and
7 the judicial are used by the Federal Reserve to be
8 able to quell any of the people coming forward and
9 being aware of the practices, deceptive acts and
03:56PM 10 practices, unlawful and illegal practices of the
11 Federal Reserve, using our branches.

12 Actors receiving -- No. 5, actors
13 receiving or causing others to receive special
14 interest or benefit that is not afforded to every
15 one of the people.

16 Again, this case, we have special
17 interests and/or benefit. We had Mr. Beane tell
18 this particular court, as well as everyone else in
19 the jury, he had had value that was stolen. But
03:57PM 20 there was no FBI investigation there.

21 I'm pointing out that these are
22 beliefs. We were acting on our beliefs to be able
23 to protect our agencies and our bureaus and our
24 departments and our branches to be able to do the
25 job that we set out and created you for, and that

1 you, as personal -- in your personal actions --
2 typically they're considered government actions.
3 However, when there is no government authority and
4 jurisdiction, they become your personal actions.

5 This was the plan. It has been the
6 plan, and it has been followed to the T, was to get
7 the actors that were abusing or the foreign agents
8 that were placed inside of our own branches to get
9 them to identify themselves by their own actions in
03:58PM 10 such a way that was so obvious that even someone in
11 a coma or possibly someone that still is under the
12 belief that they are protecting and serving the
13 people and yet facilitating theft, slaving systems
14 would be able to see it.

15 So 16 of this -- and this will be
16 entered into as an exhibit. This is from 2011.
17 That was the plan. It's been followed the entire
18 time.

19 It was -- and as you can see now with
03:58PM 20 the changing of -- I've never wavered with the
21 changing of the laws, enactment of new executive
22 orders.

23 So, for instance, on the anniversary
24 date of Mr. Beane's -- Cynthia Davidson calls it
25 arrest. I call it kidnapping, just based on the

1 facts and lack of warrant. On that day a couple
2 days ago on the anniversary date the financial fraud
3 enforcement task force was terminated. And instead
4 now we have a market integrity and consumer fraud
5 because that is basically what is happening is we
6 have consumer fraud. We have a lack of integrity,
7 not just market but also within our own government,
8 and that's what we were cleaning up.

9 We had testimony from the Federal
03:59PM 10 Reserve, Sean O'Malley, stating that they ordered
11 the FBI to handle it, or that the FBI said that they
12 would handle it, because he kept wavering on what
13 his testimony was. He couldn't re- -- he would
14 state that someone told him about the investigation
15 and then later say that he contacted someone to tell
16 them about the investigation, all the way to the OIG
17 at this point.

18 So there was really never -- and you
19 have USAA saying they were a victim and you have the
04:00PM 20 Federal Reserve saying that they were a victim.

21 So this is the first time I've heard or
22 during the report was that USAA found that they were
23 a victim. However, even USAA states that the only
24 one they held responsible for the -- for the money
25 that they supposedly lost, which they didn't lose,

1 everything was recovered, was Randall Keith Beane.

2 However, even the facts there, if you
3 have all the documentation, the alleged plaintiff is
4 the United States. All of the records of the
5 financial commandeering, as well as using people's
6 value to finance the Federal Reserve system and its
7 assets are done through the U.S. Treasury, which is
8 a department and part of the executive branch.

9 That was all information that the
04:01PM 10 United States and Cynthia Davidson claimed but would
11 not swear or provide due documentation of a
12 representation to represent the United States, and
13 yet that is information that is within the United
14 States' coffers and yet wasn't provided to
15 Mr. Beane, nor myself, nor even the public.

16 These are the kinds of crimes that the
17 public cannot go and report to a DOJ, to a
18 Department of Justice, U.S. attorney, or the FBI,
19 because, as you have seen how Ms. Davidson has
04:01PM 20 treated anything that I have said during this
21 entire -- since August 24th as ludicrous, crazy.

22 You had foreign actors, including those
23 that are in the Federal Reserve system, place the
24 whole of the United States, especially this judicial
25 branch, its departments and its bureaus, under

1 trial -- excuse me -- under trial under this alleged
2 Court's own record and first-hand actions. And yet
3 the judicial branch at the highest levels knew about
4 the plan in 2011 to expose the actors that were
5 within or to get the actors to expose themselves,
6 knowing that personal acts typically have always
7 been done under the guise of government acts using a
8 judicial surety to validate that process in the
9 clerk's ledgers.

04:02PM 10 However, again, when there is no --
11 when proceedings are allegedly on behalf of the
12 United States, the United States does not have power
13 to act. It's your personal actions.

14 And we discussed that on October 24th;
15 again, in more depth, in more detail on
16 October 18th, 2017. You were provided with what the
17 actual law is, and the law was changed in
18 2000- -- after the 2011 findings and working with
19 individuals that were in DOJ, inside of the

04:03PM 20 judicial, inside of the FBI, and considering all
21 factors and concerns that they brought, as far as
22 what might be experienced in exposing the Federal
23 Reserve and their abuse and enslaving human rights
24 issues that were involved for their own personal
25 safety that all guises and corporate veils were

1 disabled, dissolved and foreclosed and that
2 protections were put into place.

3 Those protections were factualized
4 trusts, not just for me, not just for Mr. Beane, but
5 also for everyone in this room, everyone that was
6 involved in this particular operation, because the
7 point was only to expose it and then to correct it,
8 to change it.

9 These are not just my beliefs, they're
04:04PM 10 my experiences over 20 years of working to stop,
11 solve, and make sure, to prohibit corruption from
12 going -- whether it was in the banking industry or
13 whether it was government. And that was not just
14 here in the United States; it's all over. It was
15 all intertwined.

16 Based on statements from Parker Still
17 and other statements during the trial from the
18 Federal Reserve, Sean O'Malley, you had basically an
19 attachment of body, and we knew that this -- this
04:04PM 20 has always been the pattern is: You have an
21 attachment of body by a judicial, by force, threat
22 of force, physical injury, physical restraint, or by
23 use of threat or collusion through law or legal
24 process which lawfully and legally cannot produce a
25 lawful and legal jurisdiction or authority over

1 anyone.

2 And by dissolving, foreclosing and
3 disabling all former guises and corporate veils, we
4 were able to go forward and do this particular
5 operation to expose the Federal Reserve, the
6 corruption, and it was so that there would be a
7 shift in consciousness and a shift in practices.

8 In this Court's own records, there is
9 evidence of the intent to unlawfully and illegally
04:05PM 10 manufacture jurisdiction authority over me and
11 Randall Keith Beane by using deceptive acts and
12 practices and the coercion of law or legal process
13 in order to make an attachment of the bonding and
14 then imprison it.

15 Ms. Davidson was consistently asking
16 for my imprisonment since August 24th onwards. She
17 got it twice. However, I'm here, like I stated,
18 until we're done with all this.

19 And then coupled with Ms. Davidson and
04:06PM 20 Ms. Svolto attempting to mislead -- I wouldn't say
21 mislead. I would just say that it is their belief
22 through their experience and their training that
23 they presented other similarly-situated alleged
24 judge's statements based on what they believe as
25 well to validate their own statements, which is a

1 deceptive act and practice, now a matter of record,
2 when you understand all the data and all the facts
3 that are involved.

4 Inherent in our own judicial structure
5 is the culminating and cultivating of human
6 trafficking and human slavery via monitoring
7 instruments through prison bonds, the kind of prison
8 bonds that we're talking about, such as the
9 underwriting, which actually goes to the Federal
04:07PM 10 Reserve, which is known in this particular courtroom
11 as a presentencing investigative report.

12 However, most people, unless they work
13 in bank trade and finance, don't see those
14 particular documents, don't see the transactions
15 that go from your Clerk of Court, and this was all
16 testimony inside of the -- that we did during the
17 trial.

18 Those in the Federal Reserve system and
19 from D.C. to Tennessee with clear and obvious
04:07PM 20 premeditation by some individuals, ignorance by
21 others, conspiracy, collusion, and subversion and
22 other wrongful acts by many others, caused my body
23 to be attached and then, again, unlawfully and
24 illegally imprisoned twice.

25 The only time that I don't include or

1 don't count is when I authorized Clifford C. Shirley
2 to be able to order the electronic monitoring.

3 I had been responsible during this
4 entire operation. The operation was to stop an
5 eminent threat to POTUS, which everyone laughed
6 about, and now it's come out that there was a threat
7 against POTUS months after the testimony that was
8 given in trial.

9 That threat that existed was by members
04:08PM 10 inside the Federal Reserve, as well as the foreign
11 agents that run the 12 different foreign -- excuse
12 me -- Federal Reserve banks, which are the same ones
13 that were committing the corruption and collusion
14 and the force and the coercion by law and legal
15 process to the American people to stop people who do
16 have the acumen and the knowledge and the experience
17 to be able to expose corruption with inside of our
18 systems.

19 Talk about a deterrence. They use the
04:09PM 20 FBI, which has all come out. This was all part of
21 the trial. O'Mal- -- Sean O'Malley admitted to it.
22 You have members of the FBI. It's the University of
23 Tennessee Police Department, a gentleman -- I don't
24 remember his particular name -- who testified and
25 said that he was assigned to the FBI cyber task

1 force, and that he identified it was New York FBI.

2 And then we had to go from New York FBI
3 to the headquarters in Washington, D.C. where Parker
4 Still received all of his advisement and how to
5 proceed not just in D.C. but also here in Tennessee.

6 Federal Reserve has always thrown
7 everyone under the bus. That's what they have done
8 here in Tennessee. Nobody -- Cynthia always asked
9 me what was so special about me. It wasn't about
04:10PM 10 me. It was what was so special about Tennessee,
11 Eastern District of Tennessee.

12 You had national security threats
13 coming out of Oak Ridge. That was the military's
14 choosing. Plus the experience with you, with Thomas
15 Varlan, as well as my only requirement was
16 whoever -- whatever state we picked that it would
17 be -- they would make it the most obvious of what
18 was going on.

19 I don't hold any grudge against anybody
04:10PM 20 in this room. Everyone is operating on their point
21 of reference and their knowledge. However,
22 Document 18, which was restated and incorporated by
23 reference as if set forth in full at the very
24 beginning of this proceeding, that was the addendum
25 of law. It also cancelled any and all presumptions.

1 Based on law, based on the challenge of
2 jurisdiction and authority, it required a mandatory
3 dismissal. But that's not what we had. We played
4 it out. I didn't consent to any of it, but we
5 played it out to make it visible so everyone could
6 find where the flaws were, that we could correct
7 them.

8 I don't -- at this point, you have
9 Ms. Davidson asking for what has been recommended in
04:11PM 10 the presentencing investigative report and is
11 relying on her memorandum.

12 I'm relying on everything that I gave
13 to you and filed in this particular case. I'm
14 incorporating all of those filings by reference as
15 if set forth in full, and as far as proof and
16 evidence pursuant to the 2011 plan that was set out,
17 I submit and restate this entire case, Case No.
18 3:17-cr-82, as well as Case No. 117MJ-00531DARI, as
19 well as Case No. -- for Tennessee -- 3:17-mj-1067 as
04:12PM 20 evidence of the subversion and the collusion.

21 Now, my whole purpose of doing this
22 particular case, this particular operation and
23 working with everyone was not to have punishment,
24 not to even do tribunals, even though everyone now
25 has stood on tribunal by the Court's own record that

1 can be used in military tribunals. My point was to
2 get everyone aware of what has been going on so that
3 we can change it.

4 The documentation, if you had it, which
5 the United States and its different branches,
6 departments, agencies and bureaus have not set
7 forth, they have not set forth that exculpatory
8 evidence, which is: I have not committed any crime,
9 that Randall Beef -- Beane -- excuse me -- Randall
04:13PM 10 Keith Beane has not committed any crime, and that
11 that evidence was not able to be put forth before
12 this jury or before Thomas A. Varlan due to the
13 actions and lack of actions by the United States and
14 its various branches and departments, agencies and
15 bureaus.

16 I do not consent to imprisoning based
17 on those statements and based on the lack of
18 evidence I just identified. I do not con- -- at
19 this point you have Ms. Davidson essentially asking
04:14PM 20 for Thomas A. Varlan, for this Court to validate
21 their own unlawful and illegal actions.

22 You have the FBI hoping for you to
23 validate and ensure, be the surety of their unlawful
24 and illegal actions.

25 I'm asking for a change in behavior.

1 That has been my entire goal for 20 years.

2 Essentially at this point, based on all
3 my statements I have just made, this Court's being
4 put into a position -- actually, Thomas A. Varlan,
5 because you're operating on your own personal
6 responsibility, just as Cynthia Davidson and
7 Anne-Marie Svolto and everyone else involved has
8 been, including myself, personal actions are done
9 with our full responsibility, accountability and
04:15PM 10 liability is asking you to be that surety and engage
11 in essentially what would account to a hostage
12 situation, and I don't consent to being a hostage or
13 held hostage.

14 I said this Court consider factors
15 based on what has been going on, what has been said
16 during the trial, which was discounted, as far as
17 the FBI, the corruption inside the FBI, the
18 statements that were made, and actually seeing it
19 play out at this point where it's being uncovered,
04:15PM 20 and it was all connected with the Federal Reserve.

21 I'm the one voice they don't want
22 heard. I'm the one person that they don't want to
23 assist others to assist themselves.

24 You're only as powerful as the rest of
25 the people that are supposed to be the governing

1 body and the principals that put them in that place.
2 When you have those that are duly delegated
3 authority to enforce laws not even following their
4 own laws, we have an issue. And there is more than
5 enough proof in the public court of opinion, as well
6 as on record, that that is the case here.

7 Truthfully, honestly, with -- I have
8 four children. I have a husband. We spent
9 20 years -- most of my work I did without them even
04:16PM 10 knowing what I was doing. A lot of the work
11 required undercover, as far as prosecutor in the
12 judicial early on. So, as a public defender, as a
13 prosecutor so that I understood what the
14 machinations were so I understood how our systems
15 were abused.

16 Not once did I take advantage of any of
17 that information. Not once did I do anything to
18 harm -- in fact, I want to protect everyone in this
19 particular case, including yourselves.

04:17PM 20 That's what those filings are. So no
21 matter how much you want to make fun of them, that
22 was what protects everyone from the Federal Reserve
23 using judicial and legal process and coercion
24 against any of you in this particular instance as we
25 went in to do the exposés and also to make the

1 changes.

2 That includes any kind of claim that
3 could have been made or used for treason. DOJ. You
4 have Russia. I'm very familiar with -- Russia and
5 China are very much involved in this. In fact, the
6 call for the Federal Reserve to contact the FBI
7 actually came from China because they're the largest
8 holder of prison bonds. Do any of you know that?
9 Maybe. I don't know.

04:18PM 10 But you were given that information.
11 You were given the opportunity to actually explore
12 what is going on. The FBI was created as the lawful
13 enforcement arm of the Federal Reserve in specific.
14 J. Edgar Hoover, who came from a banking family in
15 Switzerland and Germany, aided with the U.S.
16 Secretary of Treasury Mellon at the time from the
17 Mellon banking family.

18 I understand that you are going to do
19 whatever you feel based on the factors you deem that
04:18PM 20 are relevant. What I can tell you is that I have
21 given myself, my entirety, using all my skills and
22 capabilities to be able to protect not just my
23 family, but also every single one of you.

24 I knew it was going to be hard coming
25 in to do this operation. I knew what the attitudes

1 would be. I knew what the comments and the looks
2 and the snickering would be. It's one thing to know
3 it and another to experience it. But it's been
4 worth all of it, because regardless of what happens
5 here today, the truth will come out. New guards
6 will be implemented because the ones that were in
7 place failed.

8 So I'm going to make it very clear. I
9 don't feel I should be sentenced at all. I don't
04:20PM 10 feel that the jury should have found a conviction;
11 however, I can -- I'm very aware of why they did
12 based on the documentation that was provided, the
13 testimony that was provided and skewed, as well as
14 the lack of data, specific data that would -- that
15 is exculpatory; however, not available to myself or
16 Mr. Beane or any other American person or human
17 being on this planet at this moment.

18 So, based on those statements, you
19 know, I -- I am innocent. I chose to be here in
04:20PM 20 this moment so that we could have these moments and
21 make them of record.

22 But when the truth comes out, I will
23 not be the one that's sitting behind bars, let alone
24 if there is any prisons and detention facilities
25 with the human rights abuses that are going on

1 inside of those facilities, which are truly human
2 trafficking and human slavery institutions. The
3 largest on the planet is the U.S., second only to
4 Russia, and it's via monetary instruments which are
5 all done through the Clerks of Court to the U.S.
6 Treasury and New York Federal Reserve.

7 Is that documentation? It's in the
8 hands of the United States, as well as the Federal
9 Reserve. Is it available? Did we have access to
10 it? No. But it will come out. That is eminent.

11 Because it is, in my opinion, my
12 expertise, in my experience, an injustice when our
13 justice system cannot protect and serve the ones it
14 was created to protect and serve, but, rather,
15 facilitates and benefits foreign actors and a few at
16 the detriment and the violation and the subrogation
17 and the subversion of the other American people and
18 humanity in general because this is not just an
19 American problem.

20 So everyone that has been involved in
21 this particular case, in this particular sting
22 operation, we all did it with a purpose to be able
23 to make things better, make visible what was wrong,
24 what is wrong so that it could be changed, and we
25 did it lovingly with as much heart and fortitude and

1 heartitude as we could.

2 So I do not hold any grudges, but
3 everyone, including myself, is fully responsible,
4 accountable, and liable for the actions that they
5 have taken, the ignorance that we may possess, the
6 collusion that we may have willingly or unwittingly
7 involved ourselves in, whether on a daily basis or
8 involved in this case in particular.

9 So I hope the best for everyone as we
04:23PM 10 move forward, but I don't believe that I should have
11 any time at all based on the information I have just
12 stated and based on my statements that I have just
13 made.

14 Thank you.

15 THE COURT: All right. Thank you,
16 Ms. Tucci-Jarraf. You can return to counsel table,
17 along with Mr. Lloyd, and we'll go ahead and proceed
18 forward with sentencing.

19 MS. DAVIDSON: Your Honor, I hate to ask,
04:23PM 20 but might I respond specifically to Mr. Lloyd's
21 statements?

22 THE COURT: Yes, that would be fine.

23 MS. DAVIDSON: Your Honor, I want to make
24 very clear to the defendant that this is not a
25 thought prosecution.

1 Ms. Tucci-Jarraf committed a crime.
2 She can believe whatever she wants to, but she
3 cannot violate the laws of the United States, and
4 that's what she has done here.

5 And she -- when I said that deterrence
6 should be great for her actions because she
7 advocated others commit crimes.

8 She at every -- she forwarded the
9 Harvey Dent video, which was simple ACH fraud.

04:24PM 10 She -- every step of the way, she talked to
11 Mr. Beane. She helped him steal someone else's
12 money through ACH fraud. They didn't take it from
13 the Federal Reserve.

14 Let's just say that she had said --
15 once the transactions went through, what if she had
16 said to Mr. Beane, "Don't spend the money. Let's
17 just wait and make sure that everything is okay
18 because -- you know, let's make sure it's your
19 secret account that you got from the Federal
04:24PM 20 Reserve." But, no, she didn't. She assisted him in
21 laundering that money and basically getting away
22 with his crime, and she advocated it at every step
23 of the way.

24 If you remember her Facebook post, she
25 says that you all -- and she's meaning the people

1 that are following -- are moving faster than my
2 fingers can type. And you heard from the Federal
3 Reserve that many others tried to commit this same
4 ACH fraud that Ms. Tucci-Jarraf was advocating.

5 And Judge Shirley, during her original
6 detention hearing, asked her if the Federal Reserve
7 had your money, why didn't you take your own money.
8 And she said she wanted to make sure that everyone
9 else had theirs. So she -- she wasn't in it for the
04:25PM 10 money, but she was advocating others to commit this
11 crime.

12 This defendant is not unlawfully
13 imprisoned. She is imprisoned by court orders and
14 by the laws of the United States.

15 THE COURT: All right. Thank you.

16 Thank you, again, everyone.

17 Mr. Lloyd, real quick.

18 MR. LLOYD: Your Honor, I don't have
19 anything, but under the rule of allocution,
04:26PM 20 Ms. Tucci-Jarraf is entitled to the last word, as I
21 understand it.

22 THE COURT: Well, she asked to do her
23 allocution before her argument. But just out of an
24 abundance of caution or given your request -- I
25 mean, I think you've given your allocution, but go

1 ahead. If there is anything further you'd like to
2 say on your own behalf before the sentence is
3 imposed.

4 THE DEFENDANT: She could have done it
5 right after Mr. Lloyd.

6 THE COURT: Go ahead. If you want to
7 respond to that or otherwise finish your allocution,
8 go ahead.

9 THE DEFENDANT: This is -- this is a prime
04:26PM 10 example of what we're talking about as far as
11 misleading, misstating, misidentifying.

12 Again, the testimony stated that all of
13 these actions that were taken by Mr. Beane were
14 actually done -- that they charged him with crimes
15 were actually done before I even spoke with him and
16 the bank and the RV place, the RV dealership.

17 She would have you believe that I went
18 in and advised Mr. Beane. Anyone who knows me, and
19 it's all a matter of public record, I don't give
04:27PM 20 advisement. In fact, the only advisement I give is
21 that they need to follow with their heart and
22 research.

23 And when it comes to the Federal
24 Reserve, on one of the videos that Ms. Davidson
25 actually put into evidence, myself and other people

1 that were involved in the exposés of the corruption
2 in the Federal Reserve and our own government
3 stated, "Do not touch things that you do not know,
4 that you do not understand." Federal Reserve
5 specifically.

6 I wish our judicial system was actually
7 out for the truth and to make sure that there was a
8 deterrence.

9 The Federal Reserve is using
04:28PM 10 Ms. Davidson, our Department of Justice and our FBI
11 to stop a deterrence of people stopping their
12 illegal and unlawful activities, and unfortunately
13 it permeates throughout our entire system.

14 In one of the filings that I produced
15 there was an affidavit which was listed as an
16 example of how the process works for the Court with
17 the Federal Reserve and Department of Defense and
18 your clerk's ledgers.

19 By convicting me and giving me as much
04:28PM 20 as you possibly -- possibly can, the Federal Reserve
21 hopes that that will be a deterrence from any other
22 American questioning their abilities, their motives,
23 and whether they're -- whether the people's
24 government is actually operating lawfully and
25 legally; not just here at home domestically, also

1 overseas.

2 I'm not someone that watched a video
3 and two months later went to go do something without
4 any kind of investigation at all. In fact, I have
5 been very quiet. This is the first time anybody in
6 this room has ever heard of me was during this case.

7 I brought bloggers to Morocco because
8 they were investigating banker resignations,
9 financial corruption, reevaluation of currencies,
04:29PM 10 and had basically the same thing that's happening
11 with our DOJ, is being used and abused to influence
12 public knowledge and public opinion, and basically
13 to keep the public dumbed down, dumbed down and
14 scared.

15 I believe in the government. I believe
16 in law enforcement. But only when it protects and
17 serves the actual people it's supposed to protect
18 and serve. When it's utilized to punish its actual
19 creators from questioning anything and making sure
04:30PM 20 things operate lawfully and legally, harm people not
21 just domestically in our country but also overseas,
22 there is a big problem.

23 You no longer get to hide behind veils.
24 You no longer get to hide -- none of us, me
25 included, none of us get to hide behind any kind of

1 guises whatsoever.

2 We're all operating under our personal
3 responsibility, accountability and liability, and
4 all of our actions from this day, nunc pro tunc from
5 the beginning of this case are all a part of that
6 record and we are held responsible and accountable
7 and liable for that, including what was not
8 presented by the United States, including how the
9 inherent structure of this particular court runs,
04:31PM 10 and that certain factors weren't allowed to be
11 exposed at all regarding the clerk and the process,
12 the monetary process and the conflict of interest.

13 That information will come out and it
14 will be -- there is nothing that can stop it. In
15 fact, all we've done is hyper-accelerate it today.

16 Thank you.

17 THE COURT: All right. Thank you.

18 Again, the Court appreciates the
19 defendant's statement, the statements and filings of
04:31PM 20 the parties, either via counsel or directly.

21 The Court has carefully reviewed the
22 Presentence Report and the entire record in this
23 case and considered the arguments presented by the
24 government and by the defendant, as well as the
25 witness testimony and exhibits, and in a manner

1 intended to comply with the Sixth Circuit's
2 jurisprudence since the Booker case rendered the
3 Sentencing Guidelines advisory in Gall v. United
4 States' requirement that the Court make an
5 individual assessment based on the facts presented
6 and adequately explain the chosen sentence, the
7 Court will explain its reasons for the sentence to
8 be imposed in this case.

9 The Court will discuss the advisory
04:32PM 10 guideline calculation and the factors discussed in
11 18 United States Code § 3553 relevant to this case.

12 Based on those factors and
13 consideration of the guideline range, the Court will
14 then impose a sentence sufficient, but not greater
15 than necessary, to comply with the purposes
16 discussed in 18 United States Code § 3553.

17 The Court has previously referenced
18 that advisory guideline range, and to reiterate,
19 paragraph 62 of the Presentence Report, based on a
04:32PM 20 total offense level of 24 and criminal history
21 category of I, the guideline range is 51 months to
22 63 months.

23 Turning next to the 18 United States
24 Code § 3553 factors, beginning with the nature and
25 circumstances of the offense, while there has been

1 discussion today of whether there has been
2 wrongdoing and innocence versus guilt, the fact
3 remains that the defendant was found guilty of the
4 charges against her, specifically Count 7 in the
5 Indictment, conspiracy to commit money laundering.

6 Her specific offense conduct, as well
7 as that of her co-conspirator, is set out in some
8 detail beginning at paragraph 6 of the Presentence
9 Report; again, multiple paragraphs therein, which,
04:33PM 10 among other things, summarizes the trial testimony
11 and evidence presented at the trial of
12 Ms. Tucci-Jarraf and Mr. Beane.

13 The Court takes into consideration all
14 of that trial testimony and evidence and takes into
15 consideration specifically all of the offense
16 conduct as outlined in the Presentence Report as
17 part of its analysis of the nature and circumstances
18 of the offense.

19 Again, the Court is not going to go
04:34PM 20 through all of that testimony and evidence, but to
21 briefly summarize, again, the defendant was
22 convicted of the count of conspiracy to commit money
23 laundering, among other things, on July 5 and
24 July 7, 2017.

25 The co-defendant, Mr. Beane, purchased

1 or attempted to purchase approximately 40
2 certificates of deposits totaling over \$38 million
3 from USAA Bank using his Social Security number as
4 the account number and the routing number to the
5 Federal Reserve Bank in New York as the funding
6 account.

7 At some point on July 5, 2017, the
8 evidence showed that this defendant,
9 Ms. Tucci-Jarraf, was corresponding with
04:35PM 10 co-defendant Beane via Skype, and that she had
11 knowledge that he was attempting to purchase CDs
12 using the aforementioned method.

13 Again, among other things, on July 6,
14 2017, co-defendant Beane executed a wire transfer of
15 \$493,110.68 to Buddy Gregg Motor Homes for a 45-foot
16 motor home, and once USAA Bank and Whitney Bank, the
17 bank utilized by Buddy Gregg Motor Homes, detected
18 potential fraud regarding Beane's transactions,
19 Beane's accounts were frozen and an investigation
04:35PM 20 was undertaken.

21 The evidence further showed
22 specifically as to this defendant, among other
23 things, on July 8, July 10 and July 11, this
24 defendant was involved in recorded telephone
25 conversations with Beane and with representatives or

1 employees of Buddy Gregg Motor Homes and Whitney
2 Bank, and, among other things, she assured all the
3 parties involved that the transactions were a
4 legal -- were legal and legitimate, and she further
5 advised or informed co-defendant Beane as to placing
6 the motor home in the name of a trust account he had
7 created using his Social Security number and a
8 Federal Reserve routing number.

9 It's noted in the Presentence Report,
04:36PM 10 paragraph 24, that the total loss -- the total
11 intended loss attributed to defendant Beane is no
12 less than \$38,994,960- -- excuse me -- \$38,994,967,
13 and that the total loss attrib- -- total intended
14 loss attributed to defendant Tucci-Jarraf is
15 \$493,110.68.

16 However, it's noted in the victim
17 impact statement that USAA Bank is a victim in this
18 case and entitled to restitution, but that only
19 defendant Beane is being held responsible for the
04:37PM 20 restitution owed to USAA Bank.

21 With respect to the history and
22 characteristics of this defendant, the defendant is,
23 I believe, 45 years of age, born in Tacoma,
24 Washington.

25 She reports being primarily reared by

1 her mother and adoptive father.

2 She -- it's noted that she obtained a
3 bachelor's degree in accounting and a juris doctor
4 degree from Gonzaga University School of Law.

5 Since approximately 2000, she disclosed
6 that she has been employed as a prosecutor, defense
7 attorney, and private practicing attorney, among
8 other things, stating that she has been, as she
9 indicated here and at trial and to the probation
04:37PM 10 officer, that she has been part of what's been
11 called an operation, a cleanup, or an organization
12 or movement directed to alleged corruption in the
13 banking industry on a national and international
14 basis.

15 The defendant reports being in
16 relatively good health with no current medical
17 problems, no history of mental or emotional health
18 issues or treatment, and advises that she rarely
19 consumes alcohol and no history of substance abuse
04:38PM 20 or substance abuse treatment, and, again, no
21 previous adult criminal convictions and a criminal
22 history category of I.

23 With that background in mind, the Court
24 does consider the need for the sentence imposed to
25 reflect various factors under 18 United States

1 Code § 3553, one of which is to reflect the
2 seriousness of the offense.

3 Again, there has been some discussion
4 today as to whether -- as to defendant's guilt or
5 innocence and as to whether she committed any
6 wrongs. That, however, has already been decided
7 earlier this year by a jury in this case.

8 In fact, as elbow counsel stated
9 earlier, the Court's role today is what sentence is
04:39PM 10 to be imposed as a result of this earlier jury
11 verdict.

12 More specifically, as the Court stated,
13 the role and purpose of today's sentencing hearing
14 is for the Court to determine a sentence sufficient,
15 but not greater than necessary, to comply with the
16 purposes discussed in 18 United States Code § 3553.

17 The Court does find this to be serious
18 conduct, given the actions that came forward at
19 trial, given the amounts of monies involved, and
04:39PM 20 given the nature of the crime itself to which the
21 defendant was found guilty by a jury, that being
22 conspiracy to commit money laundering.

23 The Court also considers the need to
24 promote respect for the law and provide just
25 punishment; again, considering the scope and nature

1 of defendant's offense conduct, also certainly
2 considering and taking into consideration her lack
3 of previous criminal history, as well as all of the
4 statements and allocution, both today and
5 considering defendant's testimony at trial.

6 The Court also considers and the
7 government specifically asks the Court to consider
8 the need for deterrence, both general deterrence,
9 that is, fashioning a sentence that might act as a
04:40PM 10 general deterrent to others similarly situated to
11 this defendant who may contemplate the undertaking
12 of similar crimes in the future, as well as
13 deterrence specific to this defendant. And
14 certainly that is coupled, somewhat, or could be
15 seen as a corollary to the need to promote respect
16 for the law.

17 Again, the Court is mindful of the
18 professions of innocence. The Court also notes,
19 even today, the defendant is setting forth that the
04:41PM 20 Court is being asked -- the Court wrote this down as
21 being asked to validate illegal actions not of the
22 defendant but of the prosecution and other actors in
23 the criminal justice system.

24 So, from that standpoint, the defendant
25 is not expressing any remorse for her criminal

1 conduct and does continue with her assertions of, in
2 fact, the lack of the jurisdiction and the authority
3 of the Court over her.

4 In that regard, the Court also does
5 consider the discussion of today of thoughts versus
6 actions. Defendant's elbow counsel addressed what
7 he styled as a sincere belief on defendant's part
8 regarding the Federal Reserve system and actions
9 thereof.

04:42PM 10 However, in this case, I think the
11 proof showed and the jury found that whether we look
12 at, I guess, defendant's positions as sincere
13 beliefs or whether we look at them on the other end
14 as an artifice or some other activity; nonetheless,
15 the proof did show in this case that the defendant
16 went -- what might be styled as one step further or
17 many steps further in taking active steps, as the
18 Court just discussed, with respect to defendant's
19 offense conduct ultimately leading to the jury's
04:43PM 20 verdict in this case that the defendant did violate
21 federal law, 18 United States Code § 1956(h), and
22 did engage in acts, not thoughts, that resulted in
23 the jury's verdict of guilt as to conspiracy to
24 commit money laundering.

25 The Court also considers the need to

1 protect the public from further crimes of the
2 defendant. Again, considering the defendant's
3 offense conduct and also considering her lack of
4 previous criminal history and all the other facts
5 and factors discussed by the Court today.

6 The Court considers the need to provide
7 the defendant with training, education and medical
8 treatment. The Court does not believe that factor
9 to be relevant in this case, given the defendant's
04:43PM 10 education and training, and given her lack of
11 substance abuse or mental health issues or history.

12 To the extent that is a factor to
13 consider, the Court would add that it is not
14 intending to and is not imposing or lengthening the
15 defendant's prison sentence to enable her to
16 complete a treatment program or otherwise promote
17 rehabilitation.

18 The Court also notes under 18 United
19 States Code § 3553 that the advisory guidelines are
04:44PM 20 intended, in part, to carry out the national
21 policies as articulated by Congress that sentences
22 be uniform across the country, to the extent
23 possible, and be based on the offender's actual
24 conduct and history.

25 Here the government has asked for a

1 sentence at the high end of the advisory guidelines.
2 While the defendant did not file any motion related
3 to a request for a sentence outside the advisory
4 guidelines range, she did state in her allocution
5 that she does not think she should be sentenced at
6 all.

7 I think given the lack of any filings
8 and given just that isolated statement, the Court
9 does not believe that it is presented with a motion
04:45PM 10 for departure or variance; however, to the extent
11 that it is, based on the defendant's allocution and
12 statements today, the Court first would note the
13 distinction between a request for a departure or a
14 variance. A departure referring to the imposition
15 of sentence outside the advisory guidelines range
16 due to the application of a particular guidelines
17 provision. Whereas, a variance refers to the
18 selection of a sentence outside the guidelines range
19 based upon the Court's weighing of one or more of
04:45PM 20 the sentencing factors of § 3553(a).

21 The Court recognizes its discretion to
22 depart or vary as it deems appropriate; however, in
23 this case, the defendant has not come forward with
24 any -- first with any guidelines provisions for the
25 Court's consideration with respect to any requests

1 for a departure, and the Court further, in
2 considering all of the sentencing factors of 18
3 United States Code § 3553(a), considering the
4 Presentence Report, considering everything that's
5 been presented to the Court today, the Court does
6 not find itself presented with any facts or factors
7 that would take this case outside of the heartland
8 of cases that come before the Court related
9 specifically to the offense conduct of conspiracy to
10 commit money laundering.

04:46PM

11 So, to the extent the defendant in her
12 allocution or otherwise is asking for a variance,
13 the Court would overrule that request and, again,
14 would note under § 3553 that the advisory guidelines
15 are intended, in part, to carry out the national
16 policy as articulated by Congress that sentences be
17 uniform across the country, to the extent possible,
18 and be based on the offender's actual conduct and
19 history.

04:47PM

20 There is some difficulty in this case
21 from the standpoint of going back to the 3553
22 factors with respect to deterrence specifically and
23 to promote respect for the law because the Court's
24 not convinced, based on what it heard at trial and
25 what it heard here today, that any sentence

1 necessarily will address adequately the need to
2 afford specific deterrence or to promote respect for
3 the law; again, particularly given the continued
4 professions of innocence and objections to this
5 Court's jurisdiction.

6 Nonetheless, the Court does believe
7 that deterrence and promotion with respect to the
8 law are appropriate factors for the Court to
9 consider, given the totality of the statements and
04:47PM 10 arguments in this case, and the Court does take
11 those factors particularly into consideration, as
12 well as all the other facts and factors already
13 discussed by the Court, including, but not limited
14 to, the need for the sentence imposed to reflect the
15 seriousness of the offense and to provide just
16 punishment.

17 So in light of everything discussed,
18 including the guideline range and the relevant 3553
19 factors, and considering the arguments and position
04:48PM 20 of the parties, the Court first does find the
21 guideline range to be appropriate in this case, and
22 the Court, again, given everything said today and
23 given everything before it, believes that a midrange
24 guideline sentence in this case of 57 months to be a
25 sentence sufficient, but not greater than necessary,

1 to comply with the purposes of 18 United States
2 Code § 3553.

3 The Court is further going to impose, I
4 guess, what would be considered a midrange period of
5 supervised release, again, considering all the facts
6 and factors of 18 U.S.C. § 3553, and the Court will
7 impose a two-year period -- a two-year term of
8 supervised release in this case.

9 The Court also notes that the
04:49PM 10 Presentence Report sets forth no special conditions
11 of supervised release, and the Court would be
12 imposing only the mandatory and standard conditions
13 pursuant to the Court's local rules.

14 Accordingly and pursuant to the
15 Sentencing Reform Act of 1984, it is the judgment of
16 the Court as to Count 7 of the Indictment that the
17 defendant, Heather Ann Tucci-Jarraf, is hereby
18 committed to the custody of the Bureau of Prisons
19 for a term of imprisonment of 57 months.

04:49PM 20 Upon release from imprisonment, you
21 shall be placed on supervised release for a term of
22 two years.

23 While on supervised release, you shall
24 not commit another federal, state or local crime.
25 You must not -- must not unlawfully possess and must

1 refrain from use of controlled substances.

2 You must comply with the standard
3 conditions adopted by this court in Local Rule
4 83.10. In particular, including but not limited to,
5 you must not own, possess or have access to a
6 firearm, ammunition, destructive device, or
7 dangerous weapon. You shall cooperate in the
8 collection of DNA as directed by the probation
9 officer.

04:50PM 10 Title 18 U.S.C. §§ 3565(b) and 3583(g)
11 require mandatory revocation of supervised release
12 for possession of a controlled substance, ammunition
13 or firearm or for refusal to comply with drug
14 testing.

15 However, based on the Court's
16 determination that you pose a low risk of future
17 substance abuse, the Court will suspend the
18 mandatory drug testing condition in this case.

19 Pursuant to Title 18 U.S.C. § 3013, you
04:50PM 20 shall pay a special assessment fee in the amount of
21 \$100 which shall be due immediately.

22 The Court finds, upon review of the
23 Presentence Report, you do not have the ability to
24 pay a fine and will waive the fine in this case.

25 Pursuant to Rule 32 of the Federal

1 Rules of Criminal Procedure, the Court advises you
2 may have the right to appeal the sentence imposed in
3 this case. A Notice of Appeal must be filed within
4 14 days of entry of judgment. If you request and so
5 desire, the Clerk of Court can prepare and file the
6 Notice of Appeal for you.

7 It's further ordered you be remanded to
8 the custody of the Attorney General pending
9 designation by the Bureau of Prisons.

04:51PM 10 Ms. Davidson, does the government have
11 any objection to the sentence just pronounced that
12 has not previously been raised?

13 MS. DAVIDSON: No, Your Honor.

14 THE COURT: All right. Ms. Tucci-Jarraf,
15 or you can defer to Mr. Lloyd, but I'll ask you:
16 Ms. Tucci-Jarraf, do you, as the defendant, have any
17 objection to the sentence just pronounced that has
18 not previously been raised?

19 THE DEFENDANT: I won't use the word
04:51PM 20 objection. It's the same standing that this Court
21 does not have the authority or jurisdiction to
22 sentence me, and I restate that and incorporate
23 every single filing that has been in this case
24 applicable to this particular sentencing that you
25 ordered that you're making, as well as the order for

1 null and void all of the documents which I have put
2 as standing documents at the beginning of this
3 proceeding.

4 THE COURT: All right. Thank you.

5 And I'm going to -- I believe either
6 based upon Mr. Tucci's testimony and/or it may have
7 been a statement by -- excuse me -- Mr. Jarraf's
8 testimony -- Mr. Jarraf's testimony, and Mr. Lloyd
9 may have made a statement as well, but I believe the
04:52PM 10 defendant would like for me to recommend to the
11 Bureau of Prisons a designation in the geographic
12 area of Boston, Massachusetts.

13 MR. LLOYD: Correct, Your Honor.

14 THE COURT: Again, the Court will make that
15 recommendation without objection. Keeping in mind
16 that that is a recommendation to the Bureau of
17 Prisons and the ultimate designation is up to the
18 Bureau of Prisons.

19 All right. Anything further from
04:52PM 20 either party at this point? The government?

21 MS. DAVIDSON: No, Your Honor.

22 THE COURT: Or the defendant?

23 MR. LLOYD: Your Honor, the defendant does
24 ask the Clerk to file a Notice of Appeal as to the
25 Judgment of Conviction and the sentence.

1 THE COURT: All right. The Court will
2 direct the Clerk at the defendant's request to do
3 so.

4 All right. Thank you, everyone, for
5 being here this afternoon, and we'll stand
6 adjourned.

7 THE COURTROOM DEPUTY: All rise. This
8 honorable court should stand adjourned.

9 (Which were all the proceedings
10 had and herein transcribed.)

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C-E-R-T-I-F-I-C-A-T-E

STATE OF TENNESSEE

COUNTY OF KNOX

I, Teresa S. Grandchamp, RMR, CRR, do hereby
certify that I reported in machine shorthand the
above proceedings; that the foregoing pages were
transcribed under my personal supervision and
constitute a true and accurate record of the
proceedings.

I further certify that I am not an attorney
or counsel of any of the parties, nor an employee or
relative of any attorney or counsel connected with
the action, nor financially interested in the
action.

Transcript completed and signed on Wednesday,
August 1, 2018.

TERESA S. GRANDCHAMP, RMR, CRR
Official Court Reporter